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## **British civil-military relations and the South African War (1899-1902).**

Surridge, Keith Terrance

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**BRITISH CIVIL-MILITARY RELATIONS AND**  
**THE SOUTH AFRICAN WAR (1899-1902).**

**KEITH TERRANCE SURRIDGE.**

**Thesis submitted for the degree of**  
**Doctor of Philosophy**  
**at King's College,**  
**University of London.**

**1994.**



### **ABSTRACT.**

The study of British civil-military relations has been dominated by works dealing with the administration and reform of the Victorian army, and by the two world wars of the twentieth century. This thesis, however, emphasises the importance of a colonial war as a major test of civil-military relations in a modern parliamentary system. The thesis examines the army's relations with both British and Colonial politicians and officials.

The main part of the thesis demonstrates how the political authorities, in London and South Africa, increasingly lost control of the war to the generals. The British government was blamed for the initial defeats suffered by the army, which placed ministers in a weak position when dealing with popular military figures such as Roberts and Kitchener, who had been appointed to retrieve the situation.

Milner, the High Commissioner for South Africa, was also placed at a disadvantage by the British government's weakness. Kitchener's appointment, in particular, exacerbated Milner's already fraught relationship with the generals, and eventually wrecked his policies and ambitions. The thesis argues that as a result of these differences there developed a military perspective on the future settlement of South Africa, which had a direct influence on the peace process. Kitchener, who personified the military viewpoint, helped ensure a negotiated end to the war.

The thesis also examines relations between the military and the Cape government, which were embittered by the army's administration of martial law. It argues that neither the theoretical development of martial law, nor its administration, can be understood without a detailed investigation of the role and contribution of the British government. The intervention of British ministers was vital to restrain both the military and Cape authorities, and to prevent the war effort from being undermined.

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### **ACKNOWLEDGEMENTS.**

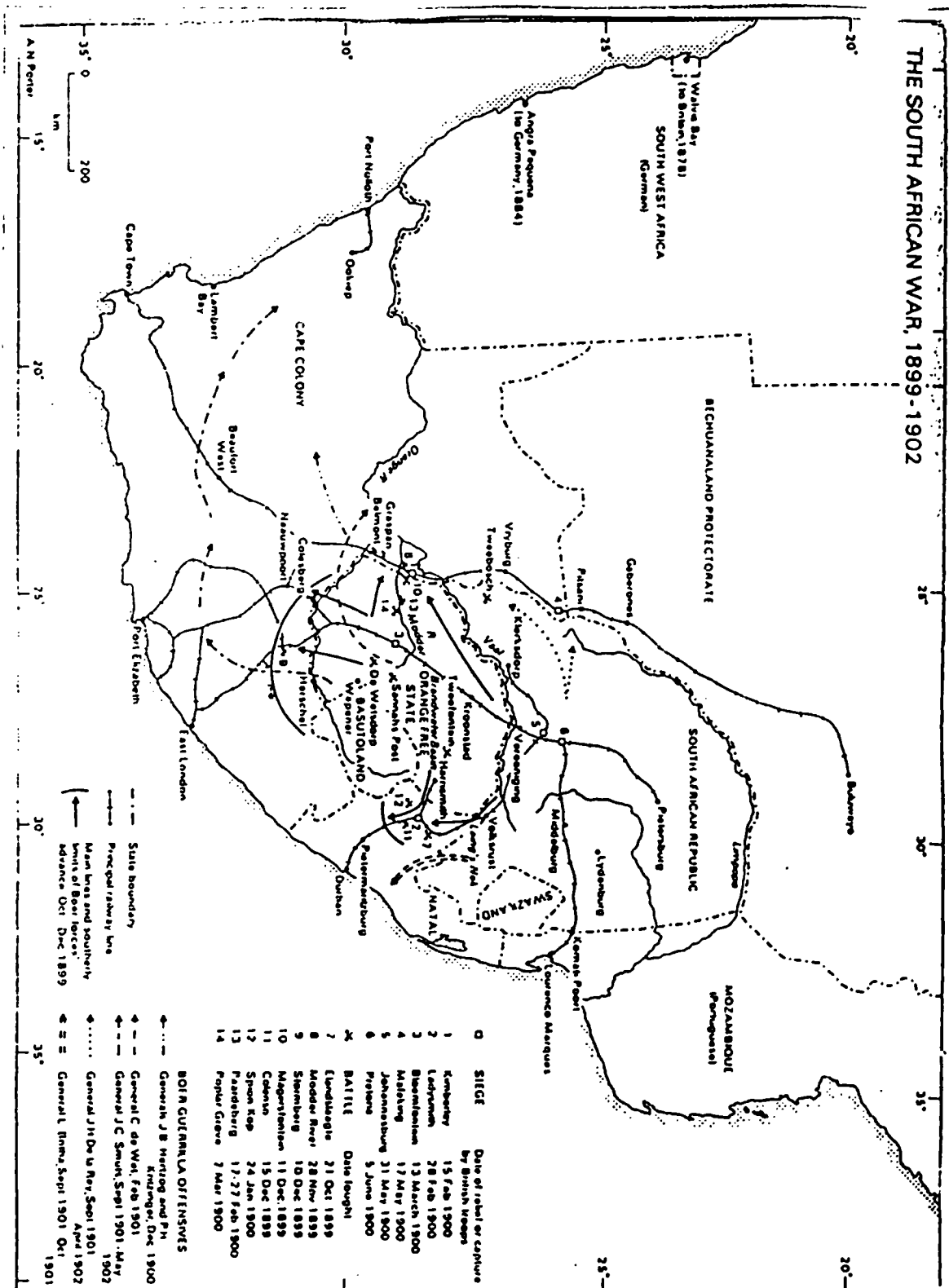
For providing the funds which enabled me to start this project I would like to thank the British Academy for granting me a three-year research award. For permission to examine collections of documents in their care, I would like to thank the following individuals and institutions; Dr B. Benedickz and Birmingham University; the Bodleian Library and the Warden and Fellows of New College, Oxford; the British Museum; the Marquess of Salisbury and Dr R. Harcourt-Williams at Hatfield House; Hove Central Library; the Liddell Hart Centre for Military Archives, King's College, London; the National Army Museum, Chelsea; and the Public Record Office, Kew.

I would like to thank everyone at the Institute of Historical Research who lent their support and encouragement, particularly Bridget Taylor, Glenn Wilkinson, Tim Wales, Brian Keany, Jane Sansom, Andrew Lewis, Jennifer Ridden, Chris Cook, and the members of the British Imperial History Seminar. Justine Taylor at Reuters also provided much needed help at a crucial time, whilst my friends outside the academic world were always on hand to offer their advice and support. My heartiest thanks go to my supervisor, Professor Andrew Porter, whose advice, encouragement and patience was stimulating, invaluable and prolonged. Most of all, I dedicate this thesis to my family, especially to my Mother and the Memory of my Father.

**ABBREVIATIONS.**

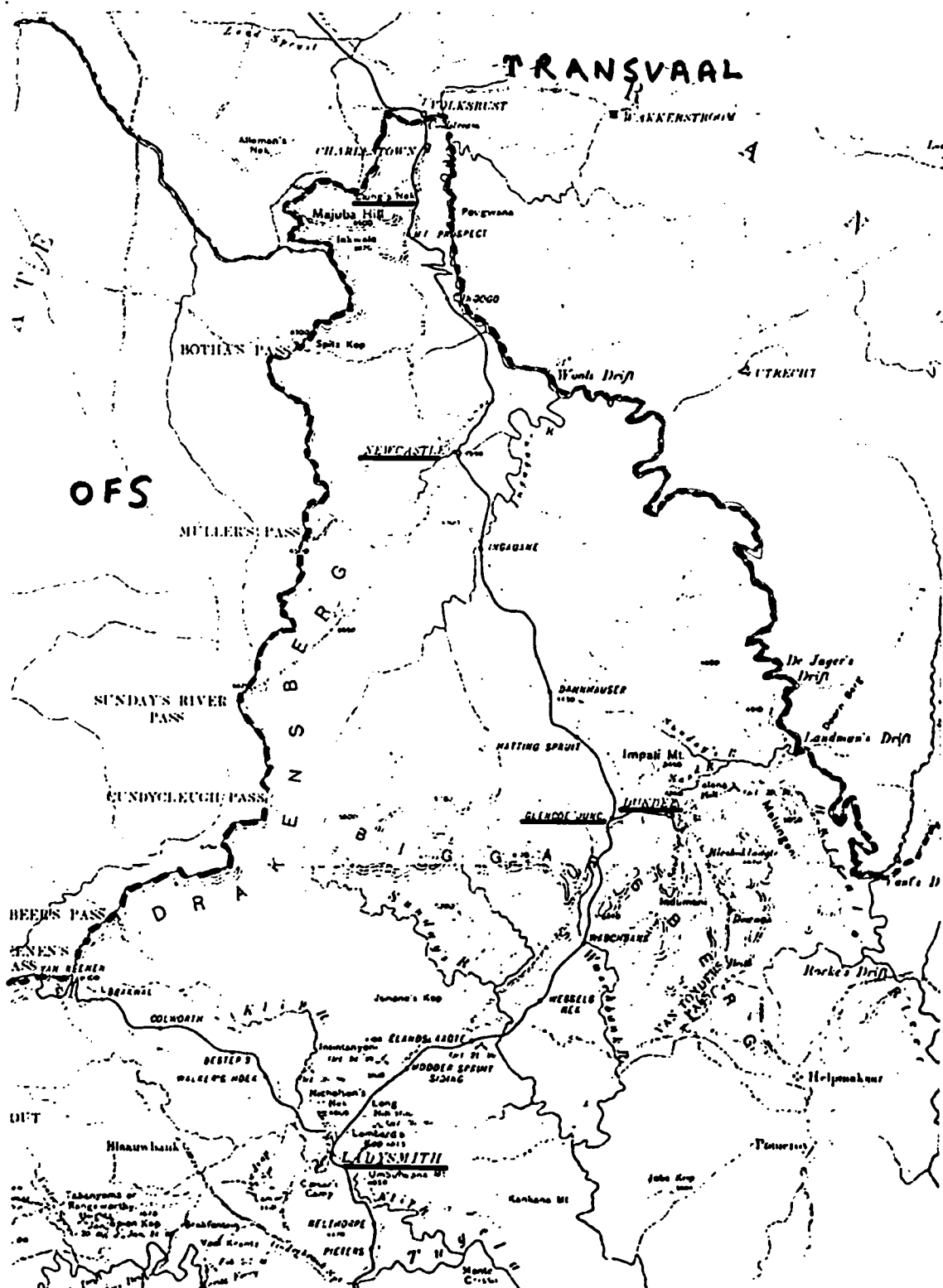
BP	BALFOUR PAPERS.
CAB	CABINET PAPERS.
C-in-C	COMMANDER-IN-CHIEF.
C-in-C(SA)	COMMANDER-IN-CHIEF (SOUTH AFRICA)
CO	COLONIAL OFFICE.
DJAG	DEPUTY JUDGE ADVOCATE GENERAL.
DMI	DIRECTOR OF MILITARY INTELLIGENCE.
GOC	GENERAL OFFICER COMMANDING.
HP	HAMILTON PAPERS.
JAG	JUDGE ADVOCATE GENERAL.
JC	JOSEPH CHAMBERLAIN PAPERS.
KP	KITCHENER PAPERS.
LO	LAW OFFICERS.
MP	MILNER PAPERS.
OFS	ORANGE FREE STATE.
ORC	ORANGE RIVER COLONY.
POW	PRISONER(S) OF WAR.
PP	PARLIAMENTARY PAPERS.
PRO	PUBLIC RECORD OFFICE.
RC	ROYAL COMMISSION.
RD	RAWLINSON DIARY
RP	ROBERTS PAPERS.
SAC	SOUTH AFRICAN CONSTABULARY.
SJB/PRO	ST. JOHN BRODRICK PAPERS.
SP BC	SALISBURY PAPERS BALFOUR CORRESPONDENCE.
SP CC	SALISBURY PAPERS CHAMBERLAIN CORRESPONDENCE.
SP HBC	SALISBURY PAPERS HICKS BEACH CORRESPONDENCE.
SP LC	SALISBURY PAPERS LANSDOWNE CORRESPONDENCE.
SP SJBC	SALISBURY PAPERS BRODRICK CORRESPONDENCE.
SWP	SPENSER WILKINSON PAPERS.
VMP	VIOLET MILNER PAPERS.
WO	WAR OFFICE.
WP	WOLSELEY PAPERS.

FROM: H.M. WRIGHT (ed.), Sir James Rose Innes. Selected Correspondence (1884-1902) (Cape Town, 1972) pp.366-367.



FROM: A.N. PORTER (ed.), Atlas of British Overseas Expansion (London, 1991).  
p.117.

# NORTHERN NATAL: THE TRIANGLE



FROM: Sir F. MAURICE & M.H. GRANT (eds.),  
Official History of the War in South Africa  
 (London, 1906-1910).  
 Vol.I (Maps), Special Maps No.3.

## INTRODUCTION.

### I

The Second South African War was the largest and most costly war Britain fought between 1815 and 1914. It provided the Victorian army with its greatest test, provoked enormous interest in the nature of Britain's imperial expansion, and affected in varying degrees the societies of all the participants: British, Afrikaner, Colonial and African. Yet despite the wide-ranging literature which covers virtually every aspect of the war, a comprehensive survey of British civil-military relations has not been undertaken. This thesis therefore has two main objectives: to fill a gap in the literature; and to add a new direction to the study of civil-military relations. For the purpose of this study the term 'civil-military relations' denotes the association between governments (both imperial and colonial) and the leading generals and officers of the British army. The generals are those who were involved either with the administration of the army in Britain and South Africa, or who commanded British forces during the war. This is essentially a study of civil-military relations at the highest level.

There are several reasons why the South African War in particular, and colonial conflicts in general, have been neglected by historians. Primarily, the study of British civil-military relations has been directed by scholars who have focused their interests on the controversies which resulted from Cardwell's army reforms enacted between 1870 and 1872.<sup>1</sup> Perhaps this is not surprising considering that Britain's parliamentary system meant there was a perennial balancing act between the requirements of party politics and the demands of the army. The precedence given to these disputes has fixed attention firmly on civil-military relations during peacetime, and this has characterized the direction in which late-nineteenth century British civil-military relations have been studied. A new direction therefore would be to examine the civil-military connection under the strain of war.

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<sup>1</sup> W.S. Hamer, *The British Army: Civil-Military Relations 1885-1905* (Oxford, 1970); E.M. Spiers, *The late Victorian army 1868-1902* (Manchester, 1992), Chapters 1-3, 6; J.Sweetman (ed.), *Sword and Mace. Twentieth Century Civil-Military Relations in Britain* (London, 1986), pp.ix-xv, 1-18.

As the main *raison d'être* of the Victorian army was to police and defend the Empire,<sup>2</sup> it might seem curious that the effects of colonial warfare on civil-military relations have not been examined. This neglect resulted from the fact that the two world wars of the twentieth century, particularly the First World War, overshadowed earlier colonial conflicts. For too long the South African war was regarded as a milestone on the road leading to 1914.<sup>3</sup> Yet this struggle generated problems, albeit on a smaller scale, of a type which can be clearly identified during the First World War. For instance, Robert Blake in his assessment of the importance of civil-military relations between 1914-1918, notes that a difficult constitutional question arose: 'How could the ultimate responsibility of the Cabinet be reconciled with the need to give military experts freedom to make military decisions?'<sup>4</sup> That it was a perennial issue is illustrated by the problems which dogged civil-military relations in South Africa, particularly when Lords Roberts and Kitchener were in command. There is good reason therefore to bring the South African conflict out of the shadow cast by the First World War.

Given that the conflict in South Africa has generated such a vast literature, perhaps it is strange that historians interested in aspects of the war have not looked at civil-military relations. There are several reasons for this: first, the main historiography has centred on the origins of the war. Since J.A. Hobson's assertion in 1900 that the war was fought for the benefit of capitalists in Johannesburg, historians have argued over the reasoning behind the British government's decision to precipitate a war in South Africa.<sup>5</sup> A second line of investigation was developed by writers and historians whose interests focused on the campaigns, battles and sieges.

However, it is only during the last thirty years or so that a more scholarly approach to the military history of the war has emerged. Recent work, for example, has

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<sup>2</sup> H. Bailes, 'Patterns of Thought in the Late Victorian Army,' *Journal of Strategic Studies*, 4, (1981), pp.37-40; I. Beckett, 'The Stanhope Memorandum of 1888: a Reinterpretation,' *Bulletin of the Institute of Historical Research*, 57, (1984), pp.240-247.

<sup>3</sup> J.F.C. Fuller, for instance, classed the Boer War as part of the 'roots of armageddon,' in his *The Conduct of War 1789-1961* (London, 1961), pp.139-140.

<sup>4</sup> R. Blake (ed.), *The Private Papers of Douglas Haig* (London, 1952), p.33.

<sup>5</sup> J.A. Hobson, *The War in South Africa: its Causes and Effects* (London, 1900). For a recent review of the literature on this subject, A.N. Porter, 'The South African War (1899-1902): Context and Motive Reconsidered,' *Journal of African History*, 31, (1990), pp.43-57.

explored the experiences of the army's logistical services.<sup>6</sup> Most recently, historians of the war have developed a deep interest in how the war affected the various societies involved. The attitudes of the British working-classes to the war and the nature of the influences upon those attitudes have now been evaluated.<sup>7</sup> A growth area has been the interest accorded to the role of Blacks and Coloureds during the war, especially their contribution to the British war effort.<sup>8</sup> Put together, these trends confirm the vitality of the South African war as an area of historical investigation.

It would be incorrect to state that civil-military relations have been passed over altogether, but the historiography provides a sketchy and often limited appraisal. Much of what we know about the views, opinions and attitudes of the soldiers and politicians in this area has come from numerous biographies, which, on the whole, are disappointing and generally unhelpful. For example, several biographies have been written on the two most important politicians, Joseph Chamberlain, the Colonial Secretary, and Alfred Milner, the High Commissioner for South Africa. The early works, by authors such as Garvin, Amery and Headlam, are rich in material drawn from their subjects' personal archives, but they have tended to ignore or simplify the difficulties which characterized civil-military relations.<sup>9</sup>

Similarly, the generals have been ill-served by their biographers. In particular, Lord Roberts has suffered from the attention of those too ready to repeat contemporary

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<sup>6</sup> A.H. Page, *The Supply Services of the British Army in the South African War 1899-1902* (unpub. D.Phil. thesis, Oxford, 1976). For a review of the military history of the war see I.F.W. Beckett, 'Military Historians and the South African War: A Review of Recent Literature,' *Soldiers of the Queen*, 54, (1988), pp. 12-14. For literature on the army and the empire see P. Burroughs, 'Imperial Defence and the Victorian Army,' *The Journal of Imperial and Commonwealth History*, 15, (1986), pp.55-72; J.M. Mackenzie (ed.), *Popular Imperialism and the Military 1850-1950* (Manchester, 1992).

<sup>7</sup> R. Price, *An Imperial War and the British Working Class* (London, 1972); M.D. Blanch, 'British Society and the War,' in P. Warwick (ed.), *The South African War: The Anglo-Boer War 1899-1902* (Harlow, 1980), pp.210-238; J.M. Mackenzie (ed.), *Imperialism and Popular Culture* (Manchester, 1986). For a recent examination of the British population in Johannesburg prior to and during the war, D. Cammack, *The Rand at War 1899-1902* (London, 1990).

<sup>8</sup> P. Warwick, *Black People and the South African War 1899-1902* (Cambridge, 1983); W. Nasson, *Abraham Esau's War. A Black South African War in the Cape 1899-1902* (Cambridge, 1991).

<sup>9</sup> J. Garvin & J. Amery, *Life of Joseph Chamberlain*, (London, 1934 & 1951), III & IV; C. Headlam, *The Milner Papers*, (London, 1931 & 1935), I & II.



adulation.<sup>10</sup> Biographies of Kitchener have either been too wide-ranging, or have focused on his ministerial career during the First World War.<sup>11</sup> Because the conflict in South Africa was but a phase in the careers of all the leading soldiers and politicians, biographies have not proved useful source material.

The dispute between Milner and the generals has often been regarded as the only conflict between soldiers and politicians during the war. Most of the works are what might be described as 'Milnercentric;' they pay too much attention to Milner's views and aspirations and therefore provide an unbalanced account of civil-military relations. Yet it must be remembered that Milner was subordinate to the Colonial Office, and, surprising as it may seem, the role and influence of the British government on civil-military relations has been neglected. This explains why historians such as Le May and Pakenham have not explained how and why Roberts, and later Kitchener, were able to defy Milner so successfully. In their respective accounts both touched on civil-military relations, but this was secondary to the questions and priorities they pursued.<sup>12</sup> Pakenham's book concentrates largely on military history, especially before the onset of the guerilla war. Moreover, he wanted to emphasise the role of the capitalists (or Randlords) and Sir Alfred Milner in precipitating the conflict. He also sought to redeem the reputation of General Buller, one of the war's notable failures.<sup>13</sup> Similarly, Le May strove to apportion blame for starting the war and concentrated on Milner's activities before, during and after the conflict. Le May also considered Milner's conflict with Roberts and Kitchener, and makes two pertinent observations on the nature of civil-military relations. He argues that military exigencies thwarted Milner's personal plans; and that the military disregarded political

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<sup>10</sup> H. de Wetteville, *Lord Roberts* (London, 1938); D. James, *Lord Roberts* (London, 1954); W.H. Hannah, *Bobs: Kipling's General* (London, 1972).

<sup>11</sup> G. Arthur, *Life of Kitchener* (London, 1920); C. Ballard, *Kitchener* (London, 1936); P. Magnus, *Kitchener* (Penguin Edition, London, 1968); G. Cassar, *Kitchener, Architect of Victory* (London, 1977); T. Royle, *The Kitchener Enigma* (London, 1985).

<sup>12</sup> T. Pakenham, *The Boer War* (Futura Edition, London, 1982); G.H. Le May, *British Supremacy in South Africa* (Oxford, 1965).

<sup>13</sup> Pakenham, pp.xvi-xvii; for an alternative view on Buller's merits see E.M. Spiers, 'Reforming the Infantry of the Line, 1900-1914,' *Journal of the Society for Army Historical Research*, 59, (1981), pp.82-94.

considerations.<sup>14</sup> Although both these points are endorsed below, Le May's examination of Milner's troubled relationship with the generals tells only a small part of the story.

There is, therefore, a case for a wider examination of British civil-military relations. The main theme of this thesis will be the controversial question of control: that is, how far were the politicians prepared to let the soldiers exercise complete control over the conduct of operations; and how far were the generals prepared to resist what they regarded as undue interference. This issue was complicated greatly by the onset of guerilla warfare which blurred the distinctions between military and political responsibility. The South African war provides a singular case-study in civil-military relations, particularly as the army faced competition for control from three sides: the British government; the High Commissioner; and the Colonial authorities. I intend also to add an extra dimension to the various political histories of the war by emphasising the role played by the army. I propose to shed new light on the attitudes of the officer corps, which reflected the nature of the society from which officers were recruited, and which subsequently influenced the peace settlement; and to show the effects of the army's actions on political aspects of Colonial society. The main result, therefore, is to accentuate the army's role in relation to that of the politicians.

Personality clashes helped shape and embitter British civil-military relations throughout the nineteenth century.<sup>15</sup> This was no less true during the South African War and it was felt necessary, therefore, to base this study primarily on the private and official correspondence of the leading politicians and generals. Consequently, the bulk of the archival material has been drawn from the private papers of politicians such as Chamberlain, Milner, Salisbury, Balfour and Brodrick; and the high-ranking generals, Kitchener, Roberts and Wolseley. As the thesis emphasises the role of the military, the papers of other soldiers have been consulted, notably those of Generals Ardagh, Hamilton and Rawlinson. Unfortunately, I was unable to consult the papers of Lord Lansdowne. However, this has not been felt to be a great handicap as many of his letters, and copies of those to him, can be found in the collections of others. Where possible, I have also used sources which provide still more informal comment or background 'gossip' on the

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<sup>14</sup> 'The manner in which Milner's grand design was frustrated is the theme of this book.' Le May, p.36.

<sup>15</sup> M. Howard (ed.), *Soldiers and Governments* (London, 1957), p.21.

various problems; for example, Brodrick's letters to Violet Cecil afford further insights into Cabinet discussions, and official viewpoints on unreliable influences such as public opinion. (As far as I am aware these papers have not been used for this period).

The papers in the Colonial Office and War Office files at the PRO have been examined extensively. These files proved invaluable because the departments had reciprocal arrangements whereby confidential material was passed between the two. These were often telegrams between Chamberlain and Milner, and between the generals and the War Secretary. In addition, extensive use has been made of the Cabinet files which cover the war.

In some cases I have been unable to use official documents. In Chapter Five, for example, which deals with martial law, the records of martial law court cases are kept in South Africa. These could perhaps have added extra substance to the chapter, but have been extensively covered by local historians and are better suited, I feel, to a local history rather than an overall analysis of the war.<sup>16</sup> Similarly, but owing to a lack of space, it was deemed necessary to omit a discussion of the wider constitutional consequences of Cape Colony appeal court decisions. These always found in favour of the military and not civilians who had complained about the army's actions under martial law. These decisions created legal precedents which are still valid today. However, a discussion on this aspect would, perhaps, be more suited to a work solely on martial law and the British constitution.<sup>17</sup>

For reasons of clarity I have referred to the Dutch-speaking inhabitants of the Cape as Afrikaners in order to distinguish them from their counterparts in the republics, who I have referred to as Boers throughout the thesis.

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<sup>16</sup> Nasson has made valuable use of these records for an examination of court cases involving the use of Black witnesses, see Chapter 8.

<sup>17</sup> For a brief summary see R.A. Cosgrove, 'The Boer War and the Modernization of British Martial Law,' *Military Affairs*, 44, (1980), pp.124-127.

## II

The fascination behind the study of civil-military relations owes something to the fact that at various times soldiers and politicians were locked in acrimonious debates over certain issues. This dissension centred around the conflicting demands of political expediency and military requirements. In Britain, the doctrine of civilian control was well-established and the government was able to insist and ensure that political requirements took precedence over the views of the soldiers; as Lord Salisbury remarked, 'I have the greatest respect for the advice of soldiers as regards the conduct of a war, none whatever for their opinions as to the policy which dictates war.'<sup>18</sup> This view clearly enunciated the way in which the British government approached the various diplomatic crises between December 1895 and June 1899, and forms the basis of Chapter One. This chapter shows how ministers clashed with their military advisers over the best way to deal with Boer intransigence. Ministers were too ready to appease public opinion, to avoid unnecessary costs, and use the minimum amount of force to browbeat the Boers, despite the fact that this course highlighted the numerical weakness of the South African garrison and the lack of planning.<sup>19</sup> Moreover, the running feud between the Commander-in-Chief, Field-Marshal Lord Wolseley, and the Secretary of State for War, Lord Lansdowne, did nothing to clarify Britain's dealings with the Boers. The British government emerged from these difficulties with a policy which, on the surface, appeared to work; consequently, ministers favoured the same approach during the final crisis. Moreover, by June 1899, Milner had already had acrimonious exchanges with his military counterpart, General Butler, over the important issue of control, albeit on a small scale, but which foreshadowed the problems he would face once the war had begun.

Chapter Two examines the period between June and December 1899 and encompasses the final diplomatic crisis and the first three months of the war. Between 5 June 1899, following the failure of the Bloemfontein conference, and the outbreak of war

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<sup>18</sup> Cit. Hamer, p.31

<sup>19</sup> In 1890, Wolseley wrote. 'Party government nowadays does not mean the leading or the endeavour to lead public opinion so much as the following of public opinion and the giving effect to it.' Cit. Hamer, p.219.

on 11 October, the policy which the government had formulated earlier collapsed. This period clearly illustrated the divide between the civil and military authorities; the government believed its response to Boer obduracy was dictated solely by constitutional and political imperatives, almost to the exclusion of military opinion. Fearing to go to war without the support of public opinion the government only initiated military preparations when war seemed inevitable, despite the continual urging of Wolseley and other generals. Small additions to the garrison, which had sufficed earlier, failed to intimidate the Boers, whose own preparations for war were well advanced. Consequently, when war came the British army in South Africa found itself short of troops until the arrival of the main body some two months later. Almost inevitably, during that interim period, the garrison suffered a series of defeats, as did the main force when it attempted to retrieve the situation.

Following the military defeats between October and December 1899, the British government found that cultivating public opinion was no antidote against criticism. Critics blamed the politicians for authorising military preparations too late and, by implication, if not by outright condemnation, said the government had ignored the advice of their military advisers. It might seem curious that the politicians took all the blame for the disastrous situation in South Africa, but on reflection this is not surprising. The Unionist government had a poor domestic record and the country was isolated diplomatically. The government's handling of the crisis during the summer of 1899 was targeted by critics as a clear example of the ministry's incompetence, hence the magnitude of the criticism endured by the government.

The condemnation of the government is more understandable when the relationship between the army and society is considered. Imperialism had made the army extremely popular,<sup>20</sup> and it became clear that the army and its generals were held in high esteem and were considered above criticism, especially from politicians. Yet what has not been considered, and needs to be stressed, are the effects of this criticism. The condemnation of the British government in January 1900 obliged it to make decisions which completely altered the complexion of civil-military relations.

British ministers were faced with the problem of retrieving the poor military situation, but without condemning high ranking military officers. The solution was to

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<sup>20</sup> Spiers, *Late Victorian Army*, Chapter 7.

appoint Lord Roberts in overall command, and leave the defeated General Buller to manage the campaign in Natal. Buller was still popular with both the public and his troops, which meant the government could not afford to dismiss him outright. The decision to appoint Roberts provided a temporary respite for the ministry, but had unforeseen long term disadvantages.

Chapter Three analyses the change in civil-military relations brought about by Roberts's appointment, and focuses particularly on his relationship with Milner. It stresses the point that once Roberts arrived in South Africa, military necessity began to supersede political requirements, despite enormous pressure placed on Roberts by politicians to make him consider political priorities. Historians have overlooked the fact that political pressure originated from two sources, Milner and the British government. Milner felt every move made by the generals ought to be considered from a political viewpoint. And as Roberts's victories appeared to presage the end of the war, the British government wanted Roberts to appreciate their problems elsewhere and to begin tailoring his strategy to suit their needs. Usually, politicians prove reluctant to interfere in military operations. Colonial governors were advised not to intervene in the Colonial Office regulations. But from May 1900 the war degenerated into guerilla warfare, which apparently relieved the politicians of this restriction. From then on, they were faced with two perennial and most important questions which afflict civil-military relations: how far should political control be exercised over the military? And how far should the army consider political objectives? Milner felt that political considerations should take precedence; for him, the reconstruction of South Africa was of paramount importance. This explains why the main difficulty between Roberts and Milner was over the refugees from Johannesburg and the need to send them back. Roberts proved unresponsive to this idea because he regarded his primary task was to defeat the guerillas and maintain the supply route of his army. Consequently, Milner began to interfere in an area considered taboo earlier in the year - military strategy. He tried to convince Roberts his ideas would help solve the strategic problem and when this failed he appealed directly to the British government and attempted to undermine Roberts's authority. Yet this aspect has not been stressed by historians.<sup>21</sup>

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<sup>21</sup> Cammack deals more with the efforts to relieve the hardship of the refugees in Cape Colony and Natal, see Chapters 6 & 9. Cammack's focus, of course, is not on civil-military relations.

The British government, while sympathetic to Milner's ideas, were in no position to help. Ministers had been trying to persuade Roberts to alleviate their problems since June, following the capture of Johannesburg and Pretoria. They wanted troops to be sent home owing to problems with other European powers, and volunteer units disbanded to save money. But Roberts had been given *carte blanche* to end the war, and despite the mounting costs, the diplomatic problems elsewhere and the dissension within the Cabinet, the British government could not order Roberts to change tack. The answers to the questions mentioned earlier were clear: political control could not be exercised far enough, and only Roberts could decide if he was willing and able to consider political objectives. Thus without the support of the British government, Milner could not impose his ideas on the military.

Chapter Four deals with Kitchener's command in South Africa. Between December 1900 and May 1902, the distinctions between the political and military domains blurred considerably. In order to win the war, Kitchener took little notice of political considerations. While he tolerated no interference in the conduct of military operations, his army assumed control over resources needed to bolster the war effort. The army commandeered food, recruited labour and ignored the social consequences; and it undermined civil authority through the administration of martial law. Professor Finer has pointed out that warfare expands the political powers of the military, which is best demonstrated when politicians have tried to oppose the army's conduct of war.<sup>22</sup> Because the guerilla war was dragging on, with no perceptible change in fortune, both Milner and the British government tried to resist Kitchener's accumulation of power. Once again, Milner initiated the challenge to military authority, and his campaign took two forms; the first was designed to force Kitchener to change his strategy; and when this failed he tried to have Kitchener sacked. In both cases Milner enlisted the support of the British government. Ministers were still concerned about the cost and duration of the war, and the dissension within the Cabinet was even more bitter. Milner's schemes appeared to offer an escape from these problems and they were given the utmost consideration. However, Kitchener emerged from these challenges unscathed, which enhanced his already well-cultivated aura of indispensability. These incidents have received scant attention from

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<sup>22</sup> S.E. Finer, *The Man on Horseback. The Role of the Military in Politics* (Second Edition, London, 1988), p.64.

historians, which has meant that important aspects of the British government's role and the state of civil-military relations in Britain have also been overlooked. Kitchener's biographers have also failed to appreciate the nature of the dispute; that it was the greatest challenge to military authority throughout the war.

Chapter Four also identifies a current of opinion running through the army, and shared by Kitchener, which came to light following the abortive peace talks with Louis Botha in February 1901. There developed a widespread tendency to raise questions about the reasons for going to war, and how the war should finish. The root of the problem for the army lay in the fact that the war in South Africa was not a colonial war in the usual sense of the word; it was not a war that could be easily characterised like many others before. In most colonial wars the army had fought non-Europeans. These wars had been viewed as conflicts which benefitted civilization. The army became the vanguard of this process and embodied British prestige, influence and culture. When the army went to war in 1899 the reasons for doing so seemed clear enough; the army would restore British power, uphold the lot of oppressed Britons in Johannesburg, and finally avenge the defeat at Majuba. However, there was a certain uneasiness about fighting the Boers, a kindred race; for example, General Methuen was not considered for General Butler's job in South Africa because he like Butler was felt to be too 'pro-Boer.'<sup>23</sup>

One factor eventually undermined the army's view of the war in South Africa, and that can be summed up in one word - gold. Both the soldiers and the politicians became conscious of the stigma attached to the war: that it was widely seen as being fought solely for the benefit of the gold-mining industry. During the crisis before the war, Salisbury and Chamberlain were aware of the hazards produced by Johannesburg's main industry. Salisbury's famous remark that 'we are fighting a war for a people we despise,' and Chamberlain's view that 'There was too much 'money-bags' about the whole business to

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<sup>23</sup> Lansdowne to Chamberlain, 15 Aug 1899, JC 5/51/61; there was also a certain uneasiness in the despatches of G.W. Steevens, the 'Apostle of Empire.' After seeing Boer prisoners taken during the battle of Elandslaagte in October 1899, Steevens wrote, "They were manly and courteous, and through their untrimmed beards and rough corduroys a voice said very plainly, "Ruling race." ' G.W. Steevens, *From Capetown to Ladysmith* (London, 1900), p.64. For a discussion of Steevens' attitude towards the Boers see, R. Stearn, *War Images and Image Makers in the Victorian Era: Aspects of the British Visual and Written Portrayal of War and Defence c.1866-1906* (unpub. Ph.D thesis, London, 1987), pp.378-380.



be agreeable to any of us,'<sup>24</sup> showed the disquiet pervading at the time, particularly as many of the Randlords were also Jewish.

Even before the war began certain officers were noted for their anti-semitic, 'pro-Boer' views. General Butler, with whom Milner had to deal in early 1899, embodied ideals which distinguished the officer corps. He was a member of the landed gentry, he viewed capitalism with suspicion, and regarded South African capitalism, especially in the person of Cecil Rhodes, with utter contempt. And, as a devotee of Carlyle and Ruskin, Butler fortified his anti-capitalism with a strong line in anti-semitism.<sup>25</sup> As the war progressed the officer corps became uneasy about for whom or what they were actually fighting. Many admired the Boers' fighting skills, and viewed them as 'country yeomen,' a type of person who was disappearing from England and no longer comprised the backbone of the British army. All these factors: anti-capitalism, anti-semitism; the admiration of the Boers as yeomen and soldiers, combined to produce a general but compelling outlook which eventually influenced the army's attitude to the peace settlement.

Although some historians have argued that Kitchener acted on his own motives and wanted to gain the quickest settlement possible, so that he could assume the Indian command,<sup>26</sup> this view takes little notice of Kitchener's own ideas, or those of articulate and thoughtful officers within the high command. By early 1902 many officers felt the Boer leadership should be consulted over the future of South Africa. General Hamilton openly said that the Boers should be treated leniently and was at the forefront of a lobby which distrusted Milner's connections with the Randlords. Much of this distrust was created by Milner's adherence to the concept of unconditional surrender; Hamilton and others knew this was unacceptable to the Boers and would prolong the war. Kitchener also rejected unconditional surrender and was determined to discuss terms with the Boers and to ensure the final peace settlement reflected British magnanimity, because he believed

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<sup>24</sup> To Lansdowne and Milner respectively; both cit. A.N. Porter, *The Origins of the South African War. Joseph Chamberlain and the Diplomacy of Imperialism 1895-1899* (Manchester, 1980), pp.247, 274.

<sup>25</sup> For a review of Butler's writings, S. Gwynn, 'The Writings and Opinions of General Sir William Butler,' *The Nineteenth Century and After*, 69, (1911), pp.314-328.

<sup>26</sup> Le May, p.127; Pakenham, p.561; J. Amery, IV, p.55; L. Amery, *My Political Life*, (London, 1953), I, p.165; D. Denoon, *A Grand Illusion. The Failure of Imperial Policy in the Transvaal Colony During the Period of Reconstruction 1900-1905* (London, 1973), p.23.

the Boers would not otherwise settle down under British rule. In the end, Kitchener was helped by the British government's war-weariness, and desire not to lose another opportunity to achieve peace. Consequently, Milner's hopes that the Boer generals would be excluded from the peace process and the political system of the new British South Africa, foundered when confronted with ministerial exhaustion and military intransigence.

The factor which embittered civil-military relations in the South African colonies was the imposition of martial law, and this aspect is examined in Chapter Five. The few historians who have investigated martial law during the conflict have left many issues unexplored, and have failed to link events and decisions in Cape Colony with those in Britain and the rest of South Africa.<sup>27</sup> For example, there has been no detailed appraisal of the debates and problems which arose between the civil and military authorities in South Africa and Britain. These arose from the fact that martial law gave the army power to make rules to fit any circumstance, to arrest merely on suspicion, and that in Kitchener resided the ultimate authority to formulate regulations and confirm sentences imposed by military courts. In this chapter an examination of the problems caused by martial law shows how the politicians and soldiers approached a subject which has an uncertain position in the British constitution. It will explain, for instance, why officers were not deterred by the requirement which stressed that their actions would have to be indemnified after martial law ended. A study of the debate over the supremacy of civil or military courts will show how the army achieved complete authority in martial law areas, whilst an examination of the period immediately after the end of the war, which has not been done before, will show how the various debates were resolved.

At another level, this study analyses the dilemma faced by the politicians: should they give the army complete authority to administer martial law, or should they insist the army take note of political sensitivities and thus weaken the response against rebellion? If the administration of martial law went unquestioned, the politicians would seem to be abdicating civil authority altogether. This was the view of the Cape government, particularly between 1900 and 1902. Prime Minister Sprigg and his ministers proved

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<sup>27</sup> C. Townshend, *Britain's Civil Wars. Counterinsurgency in the Twentieth Century* (London, 1986), pp.172-186; 'Martial Law: Legal and Administrative Problems of Civil Emergency in Britain and the Empire 1800-1940,' *Historical Journal*, 25, (1982), pp.167-195; J.S. Galbraith, 'British War Measures in Cape Colony 1900-02: A Study of Miscalculations and Mismanagement,' *South African Historical Journal*, 15, (1983), pp.68-84.

reluctant to acknowledge that martial law gave the military special responsibility, and that its administration was beyond the purview of politicians. Consequently, the Cape government became embroiled in a series of acrimonious disputes with the military. Historians, such as Le May and Galbraith, have failed to recognise the wider implications of the British government's involvement in this dispute. That apart from trying to settle the differences between the Colonial authorities and the army, the British government's main priority was to ensure that strategic decisions made in June 1901, with regard to the war in Cape Colony, were implemented by the military, without the hinderance of Sprigg's government.

In the end, the British government was obliged to uphold the army's administration of martial law: It could not risk being accused of hampering the war effort, and it could not afford to see military decisions challenged in the courts by the Colonial governments; nor could the British authorities risk senior military officials being taken to court, because senior politicians were bound to follow. After the war it was felt best to ignore the subject altogether which had serious implications for the future, as no one could foresee where and when martial law might have to be utilised again.

Although the South African war was the last great colonial conflict, it generated problems which were both perennial and distinctive, and which severely affected the nature and balance of civil-military relations. Not only does the South African war tell us much about the effect of colonial warfare on the association between politicians and generals, it also serves as a useful starting point for a study of civil-military relations affected by far larger conflicts.

## **CHAPTER ONE.**

### **RECONSIDERING THE MILITARY POSITION: CIVIL-MILITARY RELATIONS AND THE BOER 'THREAT.'**

**December 1895-June 1899.**

The period December 1895 to June 1899 witnessed a succession of political crises between Britain and the Transvaal; each prompted attempts by soldiers and politicians to define the role and strength of the South African garrison in a possible conflict with either one or both of the Boer republics. Until 1895, the garrison's main function was the defence of Cape Town against seaborne attack by imperial rivals. However, from December 1895, as Anglo-Transvaal relations deteriorated, the garrison's role was directed away from the wider aspects of imperial defence and towards the Transvaal. For the British, this change in outlook accentuated divisions between the civil and military authorities. By 1899, these divisions had contributed to the formulation of a compromise strategy designed to deal with the Boers. Although this strategy neither united the politicians and generals, nor engendered real confidence in its ability to end Boer defiance, it nevertheless influenced the British reaction to the final crisis of 1899.

The persistent military dimension to the South African question has received little attention from historians, even though the generals were constantly consulted by the politicians as the crisis unfolded and contributed to the formulation of policy. The aim of this chapter, therefore, is to unravel the contribution of the government's military advisors. The chapter has four parts: the first section deals with British civil and military reactions following the abortive Jameson raid in 1895-96; the second section discusses the political crisis of 1897 which greatly involved the military authorities and emphasised the strategic importance of Natal. Thirdly, the situation in 1898 will be examined, as the political situation deteriorated and the weakness of the Cape garrison became apparent. Finally, relations between Sir Alfred Milner and General Butler are discussed; these highlighted the lack of planning and provide the first example of the clash between Milner's desire to control events in South Africa, and the opposition he invoked from the military which distinguished the years 1899-1902.

# I

The economic power of the Transvaal, which developed following the discovery of gold on the Witwatersrand in the late 1880's, threatened the ties that bound Britain, Cape Colony and Natal, and promised the Boers political hegemony in South Africa.<sup>1</sup> The combined threat of a powerful and potentially hostile neighbour, and a Cape Afrikaner population still mindful of the war in 1880-81, increased British military concerns, particularly for the safety of the vital strategic position of Cape Town. In 1884, a War Office memorandum had argued:

It is impossible, for political reasons, to create a Gibraltar out of the Cape Town peninsula, and...[thus] the permanent retention of the peninsula...is dependent upon the maintenance of British ascendancy in all South African colonies.<sup>2</sup>

Nevertheless the strength of the garrison was not reviewed and, until 1896, it remained at between 3,500-4,000 men, divided almost equally between Cape Colony and Natal.<sup>3</sup> Conflict with the Boers was hardly considered as more pressing problems surfaced in other parts of the world.

British concerns were heightened, however, by the increased interest shown in the region by Germany and France, as the booming economy of the Transvaal formed a natural focus for investment. Cecil Rhodes, founder of the British South Africa Company (1889) and Prime Minister of Cape Colony (1890-1895), also viewed these developments with alarm. He wished to create a British South African federation dominated by English-speaking colonists. This might be achieved by overthrowing the Transvaal's government and in 1895 this became a real issue. In a dispute between the Cape and the Transvaal, the latter showed its power by preventing Cape goods from entering the country over the Vaal river railway bridges. This dispute, the 'Drifts Crisis,' obliged Rhodes to call on the help of the British government, which eventually forced the Boers to back down.

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<sup>1</sup> R. Robinson and J. Gallagher, with Alice Denny, *Africa and the Victorians* (Second Edition, London, 1981), pp.410-420.

<sup>2</sup> D. Schreuder, *Gladstone and Kruger. Liberal Government and Colonial Home Rule 1880-1885* (London, 1969), p.15.

<sup>3</sup> *Royal Commission on the War in South Africa*, (hereafter RC), PP(1904), XL, Cd.1789, p.21.

However, to Rhodes it became a matter of necessity that the regime in Pretoria be removed. Rhodes therefore attempted to overthrow the Transvaal government by sparking an uprising in Johannesburg, the centre of the gold industry.<sup>4</sup>

Johannesburg was a city of foreigners, known as Uitlanders, whose industry and taxes had done much to create the Transvaal's wealth. Most Uitlanders were of British origin and their concentration in Johannesburg frightened the Boers into believing their numbers vast. Consequently, the Uitlanders were denied political rights which caused great resentment. However, the size of the Uitlander community was exaggerated by the Uitlanders themselves as part of their demands for greater political autonomy. Kruger himself exaggerated Uitlander numbers to convince the Boers that their homeland was under threat.<sup>5</sup> In December 1895, Rhodes and his co-conspirators in the mining industry attempted to use Uitlander resentment to ignite a rebellion, but the forces of his lieutenant, Jameson, were easily defeated by the Boers.<sup>6</sup>

Just before the Raid, a Unionist ministry had taken power in Britain. The new Colonial Secretary, Joseph Chamberlain, was fully conscious of the need for Britain to exert her supremacy in South Africa and elsewhere in the world. The defeat of Jameson, and the Kaiser's congratulatory telegram to Kruger, were keenly felt. Chamberlain urged the Prime Minister, Lord Salisbury, to consider a vigorous act 'to soothe the wounded pride of the nation' and recommended as one response 'the immediate preparation of a force of troops for Capetown sufficient to make us the masters of the situation in S. Africa'.<sup>7</sup>

In early 1896, Chamberlain's deputy, Lord Selborne, considered Southern Africa in the aftermath of the Jameson Raid. For Selborne, the government needed to formulate a policy by which British prestige and supremacy could be reasserted. In two memoranda, Selborne established that Britain had to persuade Kruger to alleviate the lot of the

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<sup>4</sup> Porter, *Origins*, pp.55-56.

<sup>5</sup> For Uitlander numbers see J.S. Marais, *The Fall of Kruger's Republic* (Oxford, 1961), pp.1-3. He concludes that in 1899 there were more Boers in the Transvaal than Uitlanders, but Uitlander males outnumbered Boer males.

<sup>6</sup> Robinson and Gallagher, pp. 438-461; Porter, *Origins*, pp.95-121.

<sup>7</sup> Chamberlain to Salisbury, 4 Jan 1896, SP CC/f.43. South Africa was not the only area of concern; Britain and the USA were at loggerheads over British claims along the border between Venezuela and British Guiana.

Uitlanders, and mollify Cape Afrikaner opinion which had been antagonised by Rhodes and the Raid. The main long-term objective was to create a confederation, which might bind South Africa to Britain; to do this it would be necessary to acquire control of the Delagoa Bay railway as this enabled the Transvaal to maintain its economic independence and power.<sup>8</sup> Selborne viewed the situation pessimistically, and decided the time had come for Britain to assert its power before it was too late.

Military officials also began to review the South African situation in a similarly individualistic manner; military responses were uncoordinated and there existed no machinery to encourage a coherent appraisal. When the Unionists took power they inherited a scheme to re-organise the office of Commander-in-Chief (C-in-C). The Order-in-Council of November 1895, which finalised this re-organisation, limited the power of the C-in-C in order to secure civilian control over that office, and marked the end of a conflict that had started with Cardwell's army reforms. The government then had little alternative but to appoint Lord Wolseley: General Buller was lower in rank and less respected, although he had administered the army for many years; Lord Roberts, the outgoing C-in-C in India and Wolseley's great rival, had spent his career in India and could not match Wolseley's knowledge of the home army. Once appointed, however, Wolseley made no effort to accept his position and preferred to circumvent the constraints imposed by the Order-in-Council. He was helped in this by the fact that his duties were imprecise and ambiguous. The Order-in-Council stated that the C-in-C would now supervise the various military departments, under the Adjutant-General, the Quarter-Master General, the Inspector-General of Fortifications, and the Inspector-General of Ordnance. But the government was unable to state clearly what 'supervision' meant. On paper, Wolseley was *primus inter pares*; in practice, as the senior officer in the British army and by virtue of his title and experience, this meant that others naturally deferred to his authority. General Wood, when Adjutant-General, was actually ordered by Wolseley to consult him first before going to Lansdowne on any matter.<sup>9</sup> As Wolseley had hoped to

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<sup>8</sup> Memo. by Selborne, (Jan) 1896, in G. Boyce (ed.), *The Crisis of British Power. The Imperial and Naval Papers of the Second Earl of Selborne 1895-1910* (London, 1990), pp.30-32; Selborne to Salisbury, 26 March 1896, cit. Robinson and Gallagher, pp.434-437.

<sup>9</sup> H.E. Wood, *From Midshipman to Field-Marshal*, II, (London, 1906), pp.251-252; O. Wheeler, *The War Office. Past and Present* (London, 1914), p.257.

wield the same powers as his predecessor, his frustration and bitterness at being given a mass of administrative work without the requisite authority spilled over into his relations with Lansdowne. Wolseley could not accept being directly subordinate to a politician, whom he considered an amateur who meddled in army affairs, and probably kept Lansdowne unaware of military papers circulating the War Office. Lansdowne resented Wolseley's refusal to co-operate and give the new system a fair trial. Each was unsympathetic to the other's viewpoint and unwilling to understand the constraints within which the other worked when dealing with the crisis in South Africa.<sup>10</sup>

As part of his office, Wolseley was directly responsible for the Intelligence Department. Unlike its European counterparts, the British army did not have a general staff and there was little in the way of investigation and planning. Gathering information therefore was the duty of the Intelligence Department. Its task, however, was not to issue advice and influence policy; the department only collected and collated military intelligence; nor were its officers assigned to help Wolseley prepare plans for future contingencies. Although other crises erupted in the late 1890's, in the Sudan and Niger valley, the department's duties and resources were neither specialised nor increased. Indeed throughout this period, the Intelligence Department received only £11,000 *per annum*, whereas the Transvaal government spent £90,000 on its intelligence services.<sup>11</sup>

The Department's Section B was responsible for gathering information relating to the colonies. It had to cover all aspects of the Empire's military needs, except India, but usually had a staff of only two officers and a clerk. The Department as a whole was neglected by both the civil and military authorities. Civilians were suspicious and stingy, regarding an Intelligence Department as a short step from a General Staff and unfettered militarism; Wolseley gave little help, showing no appetite for work as a Chief of Staff. Most Victorian commanders planned their campaigns on the spot and against colonial enemies there was little call for detailed planning beforehand.

Wolseley sent Lansdowne a minute that combined two aspects which greatly concerned the military establishment: European conflict and the Boer threat. Wolseley's appreciation of the South African problem was more intuitive than reasoned, and this

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<sup>10</sup> Hamer, pp.148-173.

<sup>11</sup> T. Fergusson, *British Military Intelligence* (Maryland, 1984), pp.109-112.



owed much to the nature of his office and relationship with Lansdowne. Although Wolseley's minute was designed to obtain an increase in the numerical strength of the British army, his growing anxiety about South Africa was evident. As yet, however, the Boer menace was not considered sufficient to warrant a substantial increase in numbers; Wolseley envisaged an addition of about 3,500 men, two battalions of which, (roughly 2,000 men) would be positioned in Cape Colony, the rest in Natal. This small addition to the Natal garrison would be sufficient to have a 'steadying effect on the Boers' and would enable the force to take up forward positions along the frontier if necessary. Considering the modest strength of the Natal garrison, this confidence in its ability to overawe the Boers revealed Wolseley's contempt for Boer military abilities. Even so, Wolseley realised that more was needed to uphold British prestige:

To anyone who knows South Africa well, it must be evident that the present state of things, the existing distribution of power in South Africa cannot long continue. To give any future redistribution of it an English character, we should be strong there. At present, and indeed ever since we pulled down our flag after our defeat at Majuba, the Africander, has believed the Boer power to be superior to ours, and Dr. Jameson's recent surrender, and the policy it has forced upon us, will inevitably tend to strengthen this belief.<sup>12</sup>

At the same time, officers of the Intelligence Department also provided appreciations of the situation in South Africa. Officers were able to produce memoranda as and when they deemed them necessary, and could prepare them for any office of state. In fact, Lansdowne often by-passed Wolseley and approached General Ardagh, Director of Military Intelligence (DMI) personally. As a result, intelligence appreciations were circulated around the various departments and to various ministers.<sup>13</sup>

The first appreciation was written by Major Altham, currently in the Intelligence Department but about to go to South Africa as Military Secretary to General Goodenough, the General Officer Commanding, South Africa (GOC(SA)). Altham was to undertake intelligence work whilst there and probably felt it beneficial to produce an evaluation before leaving. Unlike 1880-81, Altham believed the Boers would take the offensive, as

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<sup>12</sup> Wolseley wrote this on his own initiative: 22 Feb 1896, RC PP(1904), XL, Cd.1789, pp.225-226.

<sup>13</sup> For Ardagh's relations with other departments and with Wolseley see RC PP(1904), XL, Cd.1790, p.210, and with Lansdowne, for whom he had previously worked when Lansdowne was Viceroy of India, RC PP(1904), XLI, Cd.1791, p.502.

they had more arms and coveted the port of Durban. Altham urged that the GOC(SA) should be sent some strategic guidance, and suggested stressing the points to be defended by the garrison. Altham preferred to defend the bridges across the Orange river, vital to the advance of any main army arriving in South Africa. He stated that the Natal frontier, particularly Laing's Nek, was not worth defending but offered no reason for this, although he must have been aware of its isolation. However, he felt that Durban and Pietermaritzburg ought to have garrisons for reasons of prestige. Furthermore, Altham suggested that the Uitlanders might be encouraged to carry out acts of sabotage to supplement regular operations.<sup>14</sup>

The second memorandum was provided by Ardagh, who drew official attention to the possibility of a conflict with the Orange Free State (OFS) as well as the Transvaal. As DMI and adviser to both Wolseley and Lansdowne, Ardagh's views carried some weight. Although, as he later confessed, his rank was not high enough to guarantee influence with his superiors, he felt duty bound to inform them of his views.<sup>15</sup> In 1889, the Boer republics had signed a defensive alliance.<sup>16</sup> Consequently, Ardagh wondered if the Bloemfontein authorities would cooperate with Pretoria should war occur between Britain and the Transvaal: this, he argued, should be known on the outbreak of hostilities. Ardagh wanted the OFS given two alternatives; the first being that the OFS should be benevolently neutral, allowing the British to pass through its territory; the second alternative was war. According to Ardagh there was no alternative to an invasion of the OFS, no matter what its attitude. The Natal route into the Transvaal was inadequate: it was serviced by only one small section of railway; and the border country was difficult to traverse, owing to its mountainous nature. Ardagh concluded:

The remarkable and unprecedented spectacle afforded by the Transvaal must, so long as present conditions last, inspire us with apprehension, and

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<sup>14</sup> 11 June 1896, WO 32/7844/079/8501.

<sup>15</sup> RC PP(1904), XL, Cd.1790, 5045-5046, p.213.

<sup>16</sup> This was signed after F.W. Reitz, a noted Boer nationalist, became president of the OFS. In March 1897, Presidents Steyn and Kruger reaffirmed the alliance. By then, Reitz was State Secretary of the Transvaal. E.A. Walker (Gen. Ed.), *The Cambridge History of the British Empire*, (Second Edition, Cambridge, 1963), VIII, p.536; Headlam, I, pp.203-05.

compel us to regard armed intervention as a possibility which may be forced upon us, however conciliatory our attitude may be.<sup>17</sup>

Lansdowne's response to Wolseley's advice was not altogether dismissive but showed him concentrating on short-term solutions. Lansdowne explained that he could not agree to a substantial rise in army numbers unless the necessity for the expenditure was fully proved, and this he said Wolseley had not done. Lansdowne was not interested in strengthening the garrison in South Africa. Wolseley's recommendation of two battalions as a deterrent and the nucleus of an expeditionary force was inadequate and would not do for either task. He reminded Wolseley that the garrison in Natal was only temporary as it had been agreed that in 1898 the Natal government should be responsible for its own defence, five years after the grant of self-government. Lansdowne's response to the evaluations provided by Altham and Ardagh is unknown.<sup>18</sup>

However, in 1896 the garrison was increased, but the surviving evidence in the War Office files does not state when decisions were made to reinforce the garrison. The returns printed in the Royal Commission give half-yearly figures so that it is possible to gain some idea at what point it was decided to send out extra troops. In December 1895, the garrison numbered 3,588 men;<sup>19</sup> in June 1896, the garrison had been increased by 1,000 men; by December, the garrison stood at 5,409, with the greater proportion concentrated in Cape Colony, an extra increase of about 800 men. These figures confirmed that Wolseley's recommendations were acknowledged. Evidently, the garrison in 1895 had been at its lowest level at a time of international tension.<sup>20</sup>

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<sup>17</sup> Oct 1896, PRO 30/40/16. Apparently, this memo. was submitted to Wolseley on 13 Nov 1896: evidence of General Nicholson, RC PP(1904), XL, Cd.1789, p.155. The memorandum dealt chiefly with the Transvaal Boers military capacity, Ardagh believing the Boer rifleman was degenerating into 'an untrained yeoman' owing to the lack of space in which to trek and shoot game.

<sup>18</sup> Memo. by Lansdowne, 10 July 1896, CAB 37/42/32. In his evidence before the Royal Commission Lansdowne, when asked whether Altham's and Ardagh's papers had ever been put before him replied, 'I do not think so; I may have seen some of them.' RC PP(1904), XLI, Cd.1791, 21085-21088, p.502.

<sup>19</sup> Including the 1/2 battalion assigned to Mauritius, part of the South African defence establishment, and then stationed in the Cape because barracks in Mauritius were awaiting completion: Nicholson, 15 Oct 1902, RC PP(1904), XL, Cd.1789, p.153.

<sup>20</sup> *Ibid.*, p.21. Wolseley himself seemed to be unsure about the decision-making process: '...we went on adding to it [the garrison] bit by bit. That was on the strong recommendations I made from time to time.' *Ibid.*, 8719, p.365.

Colonial Office ministers still hoped the garrison would be strengthened further. Selborne considered the time had come to increase the numbers of the Cape garrison. He told Chamberlain he had been impressed by a memorandum from George Fiddes,<sup>21</sup> which showed Britain unable to assert its interests with the force currently in South Africa. Selborne further believed that the Boers had not been overawed by the recent increase in the garrison, and that only a major expeditionary force would do that. To ensure that British power was evident, to the Boers, to the Colonials, and to the Cape Afrikaners, required the largest garrison in South Africa compatible with Britain's defensive requirements.<sup>22</sup>

This may have influenced Chamberlain who pressed Lansdowne to increase the garrison by an extra 5,000 men. Lansdowne, using Wolseley's figures, informed Chamberlain at some length that this would mean recruiting more troops, and would be difficult because it would require the sanction of Parliament to alter the army estimates.<sup>23</sup> Chamberlain nevertheless insisted on presenting his proposals to the Cabinet. He explained that from information received from South Africa it appeared the Boers were preparing to throw off British suzerainty and invade British territory. To counter this, Chamberlain stressed the diplomatic advantages of strengthening the garrison; of demonstrating British resolve; and of fortifying the resolve of the loyalists. Chamberlain believed that a display of military strength had always impressed the Boers and had, on several occasions, prevented serious consequences; he mentioned General Warren's expedition to Bechuanaland in 1885 as a prime example. An increase in the garrison would be a sensible defensive measure on its own, gaining time, in the event of hostilities, for the arrival of reinforcements. However, Chamberlain, perhaps impressed by the reservations of the War Office, tempered his appraisal by stating that the problem was not urgent, but a matter of policy requiring the agreement of the military authorities to spare 5,000 men for garrison duty in South Africa for a year or two. He was prepared

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<sup>21</sup> Private Secretary to Sir R. Meade, the Permanent Under-Secretary at the Colonial Office.

<sup>22</sup> Selborne to Chamberlain, 6 Oct 1896, Boyce (ed.), pp.40-41.

<sup>23</sup> Lansdowne to Chamberlain, 6 Nov 1896, JC 5/51/20; Wolseley's Minute, 5 Nov 1896, JC 5/51/19. There is no copy of Chamberlain's letter to Lansdowne in the Chamberlain Papers.

to drop the matter, however, if all this was dependent on an increase in the army and on a vote of money in Parliament.<sup>24</sup>

Lansdowne later summarised the military position, and informed ministers that minor increases to garrisons abroad were required throughout the Empire. The international situation was the main reason for this together with, as Lansdowne explained, the inability of the Admiralty to guarantee the safety of various naval bases. The Admiralty had stated that their first priority was to secure command of the sea in home waters; until this was achieved naval bases would have to fend for themselves. In this case Lansdowne agreed that the Cape garrison ought to be strong enough to defeat a seaborne assault. However, Lansdowne emphasised that the primary task of the garrison was to do just that and not be responsible for the land frontier, and stated that he would have to ask the Cabinet 'whether the two extra battalions...are to be regarded as permanently quartered there'.<sup>25</sup> Lansdowne then was still not convinced about the necessity of increasing the garrison to counter the Boer threat: it might be asked whether Lansdowne thought a Boer threat even existed.

At the end of 1896, therefore, the South African garrison could still be regarded as a defence against seaborne attack. Despite the evaluations presented by the Intelligence Department, military policy in South Africa had been overshadowed by Wolseley and Lansdowne squabbling over whether the British army needed a major increase in battalions. A clear, comprehensive survey of the situation, which had been altered by Jameson's Raid, was not considered. However, the promptings of the Colonial Office and the soldiers had highlighted the potentiality of a Boer threat. The following year this threat became more pronounced.

## II

Desiring to limit the numbers of Uitlanders in the Transvaal, Kruger's government, early in 1897, attempted to impose an Aliens' Immigration Act which restricted both the number of immigrants and their right to become citizens of the Republic. Chamberlain's

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<sup>24</sup> 10 Nov 1896, CAB 37/43/45.

<sup>25</sup> 4 Dec 1896, RC PP(1904), XL, Cd.1789, pp.238-239.

desire to strengthen the Empire and to educate the British public into supporting his ideals meant that such an insult - as he and others perceived it - could not go unanswered. Moreover, a strong response was required to convince the British element in South Africa that London would and could uphold their interests. Furthermore, as the Transvaal was now becoming very dangerous owing to the large import of arms since the Raid, it was necessary for the British government to win a diplomatic victory which might discredit Kruger's policy and, hopefully, his regime. This section, therefore, analyses the military elements in the response to the crisis of 1897 and shows that significant divisions amongst soldiers and politicians decisively affected the military response to the Transvaal's intransigence.

On 5 April 1897, the Colonial Office informed the War Office that the disagreement between Britain and the Transvaal had reached a point where it was necessary to present certain despatches to President Kruger, regarding his government's breaches of the London Convention of 1884.<sup>26</sup> It was emphasised that these despatches were not an ultimatum; but owing to the Transvaal's enhanced military capability and the comparatively defenceless state of the British colonies, a Boer military response could not be ruled out. An initial Boer victory, moreover, might add to British difficulties by securing the support of many sympathizers in Cape Colony and Natal. The Colonial Office thought the Boers were likely to attack Kimberley and Natal. To attack Kimberley the Transvaal would need either the covert or manifest support of the OFS, which might also lead to the destruction of the Orange river bridges. British forces were wholly inadequate to defend the frontiers, a position which risked the hostility of the loyalists. Chamberlain wanted his views put before Lansdowne who was reminded that he had 'the responsibility of deciding what military measures should be taken, to safeguard the interests of the Empire in South Africa at the present juncture.'<sup>27</sup>

There were two questions to be answered before a coherent policy could be produced. First, the politicians, with their military advisers, had to decide what strategy the Boers were likely to employ should war break out; and second, how many troops were required to defeat the Boers?

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<sup>26</sup> This convention finally settled the differences between Britain and the Transvaal following the war in 1880-81.

<sup>27</sup> CO to WO, 5 April 1897, WO 32/7844/079/8234.

On 8 April 1897, Chamberlain called a Cabinet meeting to discuss the crisis. With Salisbury away, the meeting comprised Chamberlain, Lansdowne, Hicks Beach, the Chancellor of the Exchequer, Balfour, Salisbury's deputy, and Goschen, the First Lord of the Admiralty. All admitted that there was a possibility of the Boers launching an attack, but thought it was unlikely; nevertheless they acknowledged that an early Boer success might win over the OFS and many Afrikaners. Again Chamberlain stressed the need to support the loyalists who were 'alarmed at the apparent indifference of the British government to their danger,' and advocated the immediate despatch of 3,500 men. Evidently, Lansdowne favoured doing nothing, but Chamberlain and the rest wanted something done for political reasons because they believed the Boers would back down in the face of British determination.<sup>28</sup>

However, after consulting his military advisers, Lansdowne acknowledged that the garrison was inadequate both to meet a Boer offensive on a wide front; and to launch an offensive.<sup>29</sup> Lansdowne doubted the Boers would actually attack; he believed they were preparing to meet a British offensive, as evidenced by the building and stocking with 'guns of position' fortresses at Pretoria and Johannesburg. He also felt the Boers would not relish the prospect of leaving their homes for long to conduct a military campaign outside their borders. Nor did Lansdowne think the Boers would make a dash into Cape Colony to stir up support, as this would 'exasperate the loyal colonists'. (The thought that it might provoke an Afrikaner rebellion and undermine British plans does not seem to have occurred to him). Even if the Boers destroyed the bridges the soldiers did not believe this would seriously jeopardise operations. Lansdowne added that Chamberlain wanted something done for political reasons, primarily to bolster the loyalists as the weak garrison had undermined their confidence. Unconvinced by this, Lansdowne preferred to send an ultimatum followed 'by an overwhelming force when the moment for putting our foot down had arrived.' The main force to be sent 'would probably be not less than 40,000 men', although owing to rinderpest providing transport animals might be a problem and the main army might then be tied to the railway. However, none of these difficulties were expected to hinder the advance through the Boer republics.

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<sup>28</sup> Chamberlain to Salisbury, 8 April 1897, JC 5 /30/76.

<sup>29</sup> Lansdowne to Salisbury, 9 April 1897, SP LC/ff.248-254.

Lansdowne further explained that the soldiers were divided on the issue; Wolseley supported Chamberlain, whilst Buller and Wood (Adjutant-General and Quarter-Master General respectively) agreed with Lansdowne. The latter preferred to wait and felt the British could do so longer than Kruger: the British he contended were already 'in the wrong' over the Jameson Raid, and it would add to their difficulties to precipitate a crisis.<sup>30</sup>

However, at a further meeting between Lansdowne, Wolseley, Buller and this time Milner (recently appointed High Commissioner for South Africa and Governor of Cape Colony in place of the ailing Lord Rosmead) a new military action was proposed.<sup>31</sup> Instead of preparing for an invasion of the OFS it was agreed that the British should send an immediate force to Natal, to hold the strategic position of Laing's Nek. Apparently Milner objected to an invasion of the OFS because, according to Lansdowne, he did not like the thought of pushing the OFS into the arms of the Transvaal. Milner's ability to change the plan suggests the others were undecided about it anyway. The decision to change, however, completely altered the focus of British strategy; hitherto the OFS route had been considered vital owing to the nature of the country and the number of railways that could be used to bring troops and supplies to the frontier and then support the invasion. Now this strategy had been superseded. Instead of using an 'overwhelming force' and operating in advantageous country, the British had decided to rely on a small addition to the garrison and place them in terrain which favoured the Boers. Evidently the soldiers agreed but no evidence has survived of the reasons given; Lansdowne favoured this change because it seemed to secure military objectives within the financial limit of £200,000 imposed by Hicks Beach.<sup>32</sup> Thus, it was agreed that the new military objective was for British troops to occupy Laing's Nek, to block any attempted Boer invasion, and provide a springboard for a possible offensive against the Transvaal, without recourse to an invasion of the OFS.

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<sup>30</sup> Wolseley noted in his diary that he continued to insist that the garrison at the Cape be increased, and that while Chamberlain agreed, Lansdowne remained opposed. F. Maurice & G. Arthur, *The Life of Lord Wolseley* (London, 1924), p.315.

<sup>31</sup> Lansdowne to Chamberlain, 13 April 1897, JC 5/51/25.

<sup>32</sup> Lady V. Hicks Beach, *Life of Sir Michael Hicks Beach*, (London, 1932), II, p.51.



Not all military opinion favoured such a move. Ardagh reiterated the danger posed by the OFS. He believed that even if it remained neutral, an estimated 5,000 Free Staters were likely to join the Transvaal; this action alone warranted a declaration of war. Ardagh warned his superiors that: 'Procrastination and delay in settling this important question of policy at the critical moment will be most prejudicial toward us.' He added that the Boers could easily seize strategic locations, such as Laing's Nek and damage the railway upon which a British advance depended.<sup>33</sup> Ardagh's opinion was supported by Wood, who had missed the meeting with Milner. Wood condemned the idea of occupying Laing's Nek, as it could easily be dominated from adjoining positions; provided the Boers had not already seized Laing's Nek beforehand.<sup>34</sup>

The advice proffered by the military thus involved two contrasting strategic scenarios. One recommended that British reinforcements should be deployed near the OFS border, and that OFS hostility ought to be assumed. Invading the OFS would facilitate the advance of the main expeditionary force, which would number some 40,000 men. The second scenario envisaged the deployment of British troops in Natal, where there was a common border with the Transvaal in country of great strategic importance to both sides. British conjectures were based on a small force holding an isolated position to deny access to Natal and to facilitate a future advance. Disadvantages arising from such a course were numerous: the position chosen, Laing's Nek, could easily be isolated and dominated from neighbouring heights; the Boers could get there first if their suspicions were aroused or the political situation deteriorated.

While Lansdowne was discussing the issue with his military advisers, his colleagues were expressing their views. Balfour recommended that the government ought to accede to Chamberlain's demands because he had been allowed to goad the Boers. Although Balfour considered a Boer attack improbable, he reckoned that if the Boers believed the British were determined to attack them, they might attack first. As the

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<sup>33</sup> Memo. by Ardagh, 15 April 1897, WO 32/7844/079/8234. General Goodenough refused to move forces to Laing's Nek. He felt it was a bad strategic position and knew the Natal ministry, which feared provoking the Transvaal, shared his view. Eventually, as a compromise gesture, troops were moved from Pietermaritzburg to Ladysmith, a move also designed to improve the health of the troops. Goodenough to Ardagh, 21 April & 14 July 1897; Ardagh to Goodenough, 3 Sept 1897, WO 32/7844/079/8270.

<sup>34</sup> Lansdowne to Chamberlain, 20 April 1897, JC 5/51/27. Lansdowne wanted to await Salisbury's opinion (he was in France) before making a decision.

committee investigating the Jameson Raid was about to consider sensitive documents, Balfour thought this would eventually antagonise the Boers, 'and it is a nice point whether the sending out of 3000 or 4000 men will prove to be a sedative or a stimulant.'<sup>35</sup> Hicks Beach was more concerned about costs. He complained to Chamberlain that his main worry was to persuade the War Office to cut their own estimates for the increase in the garrison, especially as he had to consider further expenditure on the navy.<sup>36</sup>

The final decision rested with Lord Salisbury. He was quite agreeable to Chamberlain's viewpoint, recognizing that Chamberlain had considered the problem for a long time. Nevertheless, Salisbury was concerned lest any precipitate action should have a bad effect on European politics. He was especially worried that a war against the Transvaal would see an alliance made between Germany and Holland against Britain. However, Salisbury made one telling observation; he felt that sending troops to South Africa would appear provocative to public opinion in England. He therefore thought the best course, politically and strategically, was to take up Lansdowne's suggestion of sending troops to Natal. As he told Chamberlain, it was the correct political decision because:

No one could find fault with us for defending such an important point in the face of Kruger's excessive armaments. Merely sending 2 regiments to the Cape will not appeal to English opinion in the same way, or seem so defensible: for they would be of little use against a surprise.<sup>37</sup>

Faced with such reasoning, especially that relating to public opinion, Chamberlain was prepared to accept the Natal alternative.<sup>38</sup> Chamberlain knew Lansdowne appreciated his concerns regarding the position of the OFS, but Lansdowne had convinced himself the Natal option was the best one to follow. Consequently, the Natal garrison was increased from 1,881 men to 4,347 in June 1897.<sup>39</sup>

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<sup>35</sup> Balfour to Salisbury, 10 April 1897, SP BC/f.168.

<sup>36</sup> Hicks Beach to Chamberlain, 11 April 1897, JC 5/51/24.

<sup>37</sup> Salisbury to Chamberlain, 16 April 1897, JC 5/30/77; Garvin, III, p.141.

<sup>38</sup> Chamberlain to Salisbury, 19 April 1897, SP CC/f.89.

<sup>39</sup> Lansdowne to Chamberlain, 16 April 1897, JC 5/51/26; RC PP(1904), XL, Cd.1789, p.21.

This switch to Natal had two effects. It obscured the necessity of examining the attitude of the OFS, and it perpetuated the idea that a small show of force would ensure a Boer climbdown. Regarding the first, Ardagh's and Chamberlain's expressions of concern on the uncertainty of the OFS standpoint, and Wood's objections to the Laing's Nek position went largely unheeded. Clearly Lansdowne achieved his objectives by finding a position that appeared strategically viable, yet required only a small force to make it secure, and, just as important, kept costs within Treasury limits. It also had the added advantage of being acceptable to British public opinion which Chamberlain had been unable to educate fully at this stage.

Lansdowne's political position was apparently enhanced once the crisis had passed. The Boers did seem to back down, as the extra troops, coupled with a naval demonstration in Delagoa Bay, indicated Britain's intention to uphold the cause of the Uitlanders. Moreover, Chamberlain's intervention and his demands for military action were driving an even bigger wedge between Lansdowne and Wolseley. It seemed the latter relished the opportunity to oppose Lansdowne and side with another member of the Cabinet.

According to his biographers, from 1896, Wolseley's greatest concern was how to avoid war with the Boers.<sup>40</sup> Until June 1899 Wolseley believed strongly that the best way to ensure peace was to increase the military presence in South Africa. This view had wider implications, because Wolseley's demands for more troops in South Africa were also demands for extra troops for the home army; in fact he was saying one could not be achieved without the other. Chamberlain's vociferous demands for a strong British response to Boer intransigence gave Wolseley both an ally and further occasions to propagate his own ideas.

Lansdowne's suggestion regarding Natal scuppered any 'alliance' that might have formed between Chamberlain and Wolseley because it fulfilled all government requirements in one fell swoop. The War Office reply to the Colonial Office's letter of 5 April, reflected the War Office's success. The note criticised the Colonial Office for leaving 'considerable room for doubt with regard to the attitudes of the Transvaal,' and for trying to predict Kruger's future actions, especially as the Cabinet had not decided what action to take if the Transvaal's response to British demands was unsatisfactory. As

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<sup>40</sup> Maurice & Arthur, *Life of Wolseley*, p.314.

for the need to make a military demonstration to impress South African opinion, Lansdowne was aware of Chamberlain's views, but said it was for the government to decide what course to follow; it remained only 'for the War Office to provide whatever force is best suited for the purpose.' Evidently, Lansdowne was not averse to 'strengthening our diplomacy' and had consulted the soldiers as to 'what steps would, within the financial limits, be most effectual both as a demonstration and as a reinforcement.'<sup>41</sup> Sending a few troops to Natal had, it seemed, done the job admirably.

There seemed little doubt that sending reinforcements was effective. Conynghame Greene, the British agent in Pretoria, informed Selborne that the Boers would not fight to remove the Convention, and he was strengthened in this belief by the arrival of the troops, which:

will have a splendid effect and will be our best guarantee against having to use them. The Boers are accustomed to deal forcibly with those whom they know to be weaker than themselves, and this is the line of treatment they best understand.

According to Greene, the 'first fence had been carried', and it was essential Britain should continue to be firm and forceful.<sup>42</sup>

Milner, now firmly settled in Cape Colony, was also sure that reinforcements had had a good effect. Having discussed the issue with leading South Africans, including some sympathetic to the Transvaal, he was convinced the military and naval response had impressed Boer opinion, which 'regarded [it] as a clear indication that we meant business & that they must yield or fight.' Milner believed those who said the Boers would not fight if faced by a clear demonstration of British determination. Although he favoured conciliation it had to be from a position of strength:

And from war with England, I believe even the most violent reactionaries will shrink, as they have shown already, if such a contingency stares them fairly in the face.<sup>43</sup>

The crisis of 1897 had emphasised a discernible trend in the way the British approached the South African question. If the British appeared ready to go to war, then

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<sup>41</sup> WO to CO, 29 April 1897, WO 32/7844/079/8234.

<sup>42</sup> Conynghame Greene to Selborne, 18 June 1897, Boyce (ed.), p.52.

<sup>43</sup> Milner to Chamberlain, 2 Aug 1897, JC 10/9/10.

the Boers backed down especially after troops had been sent to Natal. What was not considered was the reason why the Boers pulled back. On the surface, the British had overawed their opponents; but few British officials seemed to appreciate that the Boers might not be quite ready to accept a challenge and were biding their time. In 1898, the British discovered how transitory their response had been.

### III

The re-election of Kruger as the Transvaal President, with an increased majority convinced Milner that: 'There is no ultimate way out of the political troubles of S.Africa except reforms in the Transvaal or war. And at present the chances of reform in the Transvaal are worse than ever...'<sup>44</sup> In this section, the difficulties arising in 1898 are discussed as both the civil and military authorities reacted to flourishing Boer nationalism, the Transvaal's expanding arms-buying programme, the failure of previous attempts to overawe Kruger's government, and the weakness of the Cape garrison.

Conynghame Greene informed Milner that the Boers were arming rapidly, paying for their weapons from the taxes provided by foreigners, i.e. the British, residing in the republic. He stated that in 1895, the Transvaal spent £61,903 on arms, which in 1897 had risen to £256,291: 'it is a matter of common gossip,' he explained, 'that it is the aim of the Transvaal Government to arm the Free State Burghers and such of the Colonial Boers as may eventually be induced by their offers.'<sup>45</sup>

Obviously alarmed at the worsening political situation, the Colonial Office continued to send such information to the War Office, in the hope of stirring some response. So concerned were Colonial Office officials that even Milner's despatches were passed on, notably those which dealt with the dearth of military transport in the area following the Basutoland crisis in late 1897.<sup>46</sup> Milner was anxious that the transport deficiency might hamper future operations against the Boers. He suggested that a small

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<sup>44</sup> Milner to Chamberlain, 23 Feb 1898, JC 10/9/18.

<sup>45</sup> Conynghame Greene to Milner, 7 Feb 1898, WO 32/7844/079/8501, enclosed in CO papers sent to the WO, see fn.49.

<sup>46</sup> Headlam, I, pp.156-158.

nucleus of transport be maintained, and, as there would be a need for civilian help, a standing contract for transport be negotiated forthwith.<sup>47</sup>

The debate regarding the provision of military transport highlighted the continuing apprehension and uncertainty still prevalent within the British government. However, for the soldiers this debate went beyond the number of wagons and horses; for them it meant a change in perspective. The crisis of 1897 had almost brought war between Britain and the Transvaal; in 1898, the soldiers expected a war to come sooner rather than later. Although the military continued to think a Boer war would be a corollary of a European conflict, military attention was now firmly focused on the need to prepare for a war in South Africa. Military evaluations produced during the transport debate, although as before more the product of individual concern than departmental, clearly showed that a war against the Transvaal at least was considered a 'certain eventuality.' Not all War Office opinion shared this view however. Lansdowne did not see beyond the immediate discussion and confined his decisions to the numbers and cost of wagons and horses. The almost total breakdown in outlook between the civil and military elements in the War Office completed the division between Lansdowne and his military advisers.

An indication of military concern was provided by a further comment on Boer intransigence by the DMI, who echoed Conynghame Greene's concern over the scale of Boer arms-buying. Ardagh stressed that the Boers themselves seemed to have a 'definite policy' underlining their military preparations:

which will build up a Dutch Oligarchy in South Africa strong enough to shake off the English suzerainty when a favourable opportunity offers, and, perhaps, even to carry out the larger dream of a great Dutch independent state reaching from the Zambezi down to the Hottentot Holland mountains, and with Delagoa Bay as its seaport.<sup>48</sup>

Again, the Colonial Office copied to Lansdowne Milner's despatches which continued to emphasise the growing intransigence of the Transvaal. For good measure a copy of Ardagh's report, referred to above, was also sent, for 'facility of reference.' The Colonial Office stated that the Transvaal appeared to be waiting for Britain to become involved in a dispute with other European powers, either to denounce the London

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<sup>47</sup> CO to WO, 11 Mar 1898, enclosing Milner to Chamberlain, 1 Feb 1898, WO 32/7844/079/8487.

<sup>48</sup> Ardagh to CO, 17 March 1898, WO 32/7844/079/8501.

Convention, or to attack the British colonies. Apparently, Chamberlain wanted Lansdowne to consider whether the garrison in South Africa needed augmenting in order to meet the growing crisis; at the same time, he reminded him of the lack of transport in Cape Colony.<sup>49</sup>

In reply, the War Office appeared unwilling to authorise expenditure on a nucleus of military transport. Nevertheless they were prepared to negotiate a standing contract, especially if the Cape government would contribute some of the money.<sup>50</sup> This financial diffidence was not appreciated at the Colonial Office and the minutes show a developing sense of frustration and annoyance. Graham noted: 'Notwithstanding the warnings of their Intelligence Department, the W[ar] O[ffice] seem to grudge every penny in S.Africa.'<sup>51</sup> The Colonial Office deprecated the financial stringency shown by the War Office at a time of growing political crisis. The importance of having an efficient garrison was stressed again, both for its political and military value, and it was emphasised that costs ought not to stand in the way of military efficiency.<sup>52</sup>

Lansdowne's attitude is difficult to fathom. He seemed reluctant, or unable, to appreciate Chamberlain's pessimistic view of the British position. Although he had agreed to 'forceful measures' in 1897, he remained unconvinced. He had chided Chamberlain after the crisis for remarking in parliament that the reinforcements were "substantially & practically a permanent increase in the garrison," because it 'appears to me to go beyond what was intended.' Lansdowne believed the intention had been to respond to a passing difficulty with a temporary measure.<sup>53</sup> However, on hearing of Milner's 'strenuous resistance' to any attempt to reduce the garrison, backed by Wolseley 'and other high military authorities,' Lansdowne eventually acknowledged the need to keep a larger garrison in South Africa permanently; but he still hoped the Cape would assume responsibility for defending its own land frontiers sooner rather than later.<sup>54</sup> Thus, in

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<sup>49</sup> CO to WO, 6 April 1898, *Ibid.*

<sup>50</sup> WO to CO, 14 April 1898, CO 417/252/8358.

<sup>51</sup> CO Minutes, 18-20 April, *Ibid.*

<sup>52</sup> CO to WO, 5 May 1898, WO 32/7844/079/8520.

<sup>53</sup> Lansdowne to Chamberlain, 5 May 1897, JC 5/51/28.

<sup>54</sup> Memo. by Lansdowne, 6 Oct 1897, CAB 37/45/33.

early 1898, Lansdowne revealed how reluctant he still was to commit the War Office to expensive and permanent adjustments to the defence establishment in South Africa.

When the War Office wrote again in June some action had been taken. Lansdowne, 'on the recommendation of his military advisers,' had finally authorised General Goodenough to purchase sufficient vehicles and to negotiate a standing contract to supply the animals within seven days of notification. Furthermore the GOC(SA) was allowed to negotiate for enough vehicles and animals to be supplied to make the whole garrison mobile after 30 days following notification.<sup>55</sup> The recommendations of his military advisers seemed to have had some effect on Lansdowne's judgement.

Ardagh felt the Natal garrison, combined with local forces, was adequate for defensive operations, but he was still disturbed by the state of the Cape garrison. Dispersed amongst a hostile population, and lacking in cavalry, artillery and transport, he felt the garrison could do little should hostilities commence. Returning to a favourite theme, Ardagh noted that much would depend on the attitude of the OFS, if the Cape garrison was to help Natal by menacing the Transvaal from Bechuanaland. Ardagh advised that the Cape garrison should receive equipment to enable it to operate independently of the railway.<sup>56</sup>

Wood, now Adjutant-General, complained that he had told the War Office civilians of the deficiency in transport eighteen months ago, when, in collaboration with the GOC(SA), he had urged that a standing contract be made with Weil & Co; his attempt to help the garrison in Natal, by requesting that reserve supplies be stockpiled in Ladysmith, was also refused by Lansdowne. Wood was prepared to play down the Boer threat by stating that their leaders (most of whom he had met in 1881 when negotiating peace) were unlikely to be adventurous in their strategy. He expected them to wait until Britain was in conflict with a European power before declaring war, and even then, send only raiding parties into British territory. Nevertheless, the garrisons needed to be efficient

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<sup>55</sup> WO to CO, 9 June 1898, CO 417/252/13057. This was a concession to the Colonial Office which wanted all forces capable of rapid mobilization, 'this being the object of chief importance from a political point of view.' CO to WO, 25 June 1898, *Ibid*.

<sup>56</sup> Ardagh to Wolseley, 14 April 1898, WO 32/7844/079/8501.



and ready to combat raids and able to mobilise within two weeks.<sup>57</sup> Armed with these opinions, Wolseley entered the fray and wrote that:

As long as there is a probability of our having trouble with either France or Russia, there may be some good reason why more troops should not be sent to South Africa, but there can be no valid reason why we should not send the stores and supplies & transport which I believe to be necessary in order to make us safe until troops could be sent from home both to Natal and Cape Town.<sup>58</sup>

Only under the combined weight of military and Colonial Office opinion did Lansdowne agree to the measures indicated above. Yet these measures hardly did more than make the garrison more efficient. Although the military power of the Boers was still underestimated, the manner in which the British authorities gradually increased their military presence had little to do with a coherent appreciation of the situation. It seemed that the decisions taken in Whitehall were more to do with interdepartmental politics and personal rivalry than the needs of the British position in South Africa.

If anyone hoped that these limited measures would indicate to the Boers Britain's resolve then they were mistaken. Major Altham, having returned to the Intelligence Department in a permanent capacity in March 1897, informed the War Office that nothing had changed in South Africa. British military preparations were still inadequate; the Transvaal continued her military preparations, 'and the condition of affairs in South Africa has practically now become that of an armed neutrality, which may last for years or may culminate in a war at very short notice.' The defence problem was still serious especially in the Cape because of the hostile population, 'and its difficulty will be enhanced by the fact that any mistake or lack of firmness at the outset would seriously affect subsequent operations.' Altham explained that the Cape garrison consisted of only three and half battalions (roughly 3,500), but 2 battalions were the war garrison of the Cape peninsula and 1/2 battalion was for Mauritius; the remaining battalion was divided between Grahamstown and King Williamstown. Practically the whole of the Cape force was placed near the coast, hundreds of miles from the frontier: only the Cape Regulars, were of any use to the army, the Volunteers having disgraced themselves in recent operations in

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<sup>57</sup> Wood to Wolseley, 17 April 1898, *Ibid.*

<sup>58</sup> Wolseley to Knox (Permanent Under-Secretary, War Office), 20 April 1898, *Ibid.*

Bechuanaland. The force available, barely 5,000 men, was required to defend a frontier of 320 miles, from Fourteen Streams to the Basutoland border. Altham pointed to the lack of planning, as nothing had been done to ensure a rapid mobilization nor to integrate the recent transport arrangements into any plan, either in Natal or Cape Colony. Altham argued that defence schemes ought to be submitted by the military authorities in South Africa and urged:

That the arrangements which would be made for the despatch of reinforcements from England and for the provision of supplies and transport be worked out fully by the War Office; and that the General Officer Commanding, South Africa, be informed what action under the arrangements would be required of him on the outbreak of war.<sup>59</sup>

Soon after this was written the poor health of General Goodenough led to his being relieved. It was now up to his replacement to work out new military plans for the defence of British South Africa.

#### IV

As the political situation worsened, defence planning for South Africa became more important. The British military authorities and Milner wished to ensure that the garrison was ready if and when war broke out. In this last section, the plans made before the war will be discussed, as will Milner's association with Goodenough's successor, General Butler. Milner, for the first time, had to work closely with a leading military figure, an officer who did not share his outlook. The difficulties that arose between the two provide an early example of the problems Milner was to face during the war, as he and Butler clashed over who controlled the fate of the garrison.

In November, Altham followed up his September memorandum by drafting a letter to General Butler in which he hoped to clarify the question of frontier defence. In addition, to help the GOC(SA) draw up his own comprehensive plans, (all GOC(SA)'s were required to submit plans during their tenure in office), Colonel Stopford of the Mobilization Subdivision of the Intelligence Department, informed the C-in-C that the

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<sup>59</sup> Memo. by Altham, 21 Sept 1898, *Ibid.*

officers 'concerned in the questions affecting mobilization in South Africa' had met and come to the conclusion:

that the quickest & most satisfactory way of harmonizing the various instructions which have been issued to the GOC South Africa is to send to him a secret letter giving him full information on the situation which would exist if war were to break out in that country...<sup>60</sup>

Both views went to Butler in a combined letter outlining the current appreciation of Boer military power, and recognising the incompleteness of British military plans. Stopford explained that OFS burghers were expected to join the Transvaal in the event of war even if the OFS remained neutral. This had been one of the major lessons from the first war and would give the Boers a fighting force of 27,000 men, after allowing for units to watch the Uitlanders and natives. However, a large scale Boer incursion was not anticipated against either British colony: 'Raids...of 2,000 to 3,000 men may be expected, and it is against such raids that a careful preparation on your part is necessary.' Interestingly, Stopford remarked that any plans would be better prepared if the line of advance of the main army was known, but said the C-in-C thought 'the plan for offensive operations must depend upon the political and military situation of the moment, and cannot be definitely fixed.' Nevertheless, Butler was expected to bear in mind an advance in preparing his plans, and to base them only on existing resources and arrangements. Once his plans were prepared he was to send copies to London.<sup>61</sup>

These were the first instructions Butler had received. Even before his departure he had been given no directions as to what was expected of him, save for a friendly chat with Chamberlain which clarified nothing. Stopford's instructions, however, offered no real help. Under Queen's Regulations Butler was obliged to plan with only the forces at his disposal which were then woefully inadequate to defend both British colonies.<sup>62</sup> Even

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<sup>60</sup> WO Minutes, 15 Nov & 9 Dec 1898, WO 32/6369/266/Cape/30.

<sup>61</sup> Stopford to Butler, 21 Dec 1898, *Ibid.* The Colonial Office, shown this letter on 23 Dec 1898, felt the figure of 27,000 exaggerated as the War Office had used a Boer publication - the *Staats Almanack* - for their figures; they felt 15,000 nearer the mark. CO Minutes, 27 Dec 1898, CO 417/252/29002.

<sup>62</sup> Paragraph 168 of Queen's Regulations stated: 'As schemes of defence should deal only with the men and material actually available, or that can be made available on emergency, the annual revision should represent the plan on which the general officer would defend the place with the existing resources.' *The Queen's Regulations And Orders for the Army* (London, 1899), p.49. On 1 Dec. 1898, the garrison in South Africa stood at 8,456 men. In fact it was reduced from 9,593, the number listed on 1 Dec. 1897. There was no real reason for this save wastage and general troop movements.

if the Boers were only going to raid, their commandos would cause much damage, especially with the garrison split between Cape Colony and Natal. How to defend important points and leave neither colony bereft of defensive cover presented a substantial headache for any commander. Consequently, Butler, between March and April 1899, visited the frontiers of both colonies in order to gauge the situation for himself.

In December 1898, the killing of a British miner by a Johannesburg policeman enabled Chamberlain and Milner to promote Uitlander grievances as a major issue.<sup>63</sup> As a result of this political tension, Milner became more concerned about the military situation and decided to discuss defence arrangements with Butler. On 10 and 14 May 1899 the two met in what turned out to be acrimonious exchanges about political-military developments in South Africa. Although normally friendly, Butler refused to divulge any information about his plans and instead denounced the political strategy of Chamberlain and Milner.

Butler's attitude caused Milner concern because as the situation in South Africa deteriorated, so the military aspect assumed a greater importance. Milner told Selborne that an early Boer success would induce the OFS to join the Transvaal and spark a rebellion in the Afrikaner North Eastern districts of Cape Colony. Milner wanted to see an *overwhelming* British force in Natal *before* the outbreak of war, and favoured the early occupation of Laing's Nek. 'My view has been and still is, in spite of all these alarms and excursions, that if we are perfectly determined we shall win without a fight or with a mere apology for one.' But it would be necessary to have a large force in South Africa to complement 'diplomatic pressure of steadily increasing urgency...' This would have the double effect of preparing for a hostile Boer response while denying them the chance of an early victory. Milner realised the Boers might achieve an initial success owing to their proximity to the strategic positions of Laing's Nek and the Biggarsberg, but the important thing for Milner was that British forces should hit back immediately. Having a strong force in South Africa would also be the only way to deter the OFS.<sup>64</sup>

At this stage it is convenient to note how Milner, as High Commissioner and Governor of Cape Colony stood in relation to his military colleagues in South Africa. The

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<sup>63</sup> Butler, who stood in for Milner during this episode, thought the furore greatly exaggerated. Milner was in Britain until February 1899. W. Butler, *An Autobiography* (London, 1911), pp.400-403.

<sup>64</sup> Milner to Selborne, 24 May 1899, Headlam, I, pp.400-404. [Milner's italics].

structures of the civil and military establishments were in fact remarkably similar. The civil authority had Milner as its chief by virtue of his position as High Commissioner, although he was also Governor of a colony like his counterpart Hely-Hutchinson in Natal. As Governor, each had the extra title of Commander-in-Chief, although again in military matters it was the High Commissioner who dealt with the GOC(SA); Hely-Hutchinson dealt directly with his counterpart the GOC(Natal).<sup>65</sup>

The military aspect mirrored the civil in many ways. The GOC(SA) was also GOC(Cape Colony); in Natal there was a separate garrison and GOC, but he was junior to the GOC(SA) and took his orders from him. Although the GOC(Natal) made his own plans of defence, it was the duty of the GOC(SA) to formulate an overall defence scheme for the whole of British South Africa.

The Colonial Office regulations specified that although the Governor held the title Commander-in-Chief he was not in command of the troops. The authority of the Governor extended into operations against rebels, when it was his duty 'to determine the objects with which, and the extent to which Her Majesty's troops are to be employed in their suppression.' But once the necessary preparations were made, the conduct of operations was the sole responsibility of the GOC. However regulation No.11, stipulated that:

In the event of the Colony being invaded or assailed by a foreign enemy, and becoming the scene of active military operations, the officer in command of Her Majesty's land forces assumes the entire military authority over the troops.<sup>66</sup>

There was no mention of the need for the GOC(SA) to consult the Governor or High Commissioner over planning. In the Queen's regulations, however, whilst paragraph 29 was much the same as Colonial Office regulation No.11, paragraph 167 stated that the defence scheme had to be revised annually by a committee comprising the GOC(SA) as president, the governor and up to five members 'selected on account of their military, naval, and local knowledge.'<sup>67</sup> However, it seemed that this arrangement was rarely, if

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<sup>65</sup> The GOC(SA) had the local rank of Lieutenant-General; in Natal the GOC was allocated the rank of Major-General.

<sup>66</sup> W.E. Mercer & A.E. Collins, *The Colonial Office List* (London, 1899), Regulations 11 & 11A, pp.354-355. These had been amended to take into account armed rebellion following a dispute between the Governor of Natal and the GOC, General Smyth, during the Zulu disturbances in 1888. WO 32/7838.

<sup>67</sup> *Queen's Regulations*, p.49.

ever, kept to. Milner might even have been unaware of this regulation because he never appears to have insisted Butler submit his revisions to a committee. Bearing in mind that the military situation had been dormant for so long before 1895, and that even after Jameson's Raid, no leading civil or military figure anticipated a Boer invasion, this planning procedure had probably fallen into abeyance. Also, Milner might have just deferred to military expertise, because planning was for a contingency in which the GOC(SA) would be the supreme authority. Naturally, it would be helpful if the political aspects of such plans were discussed, but even so, if the GOC(SA) felt that his troops would be endangered by political considerations he had every right to ignore them. Consequently, official consultation was perhaps expected only after the outbreak of hostilities.

By May 1899, however, Butler had still not informed even the War Office of his plans and officials there became steadily more concerned, especially after the breakdown of the Bloemfontein talks between Milner and Kruger on 5 June. Evidently Butler had been prompted twice, once in February and again in early May to consider two schemes emanating from Natal for local and frontier defence. On 8 June 1899, Butler was ordered to provide the information requested in December.<sup>68</sup>

Butler's reluctance to forward his plans owed something to his lack of confidence in certain unspecified War Office personnel. He was convinced some of the staff, if not the whole department, were out to provoke war with the Transvaal. In his memoirs he complained about the lack of orders and instructions on his appointment and believed matters had been arranged beforehand; he was told nothing, 'still less with the development of plans and purposes which I knew to have been then matured and arranged...'<sup>69</sup> In fact, the War Office had nothing prepared except General Goodenough's overall plan which dated back to 1896 and was based on the premise that the main army, when it arrived, would advance through the OFS. Goodenough intended to use his scarce

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<sup>68</sup> Heeltool [Col. Everett] to Butler, (tel.), 8 June 1899; DMI [Everett] to Butler, (tel.), 6 June 1899; Butler to DMI [Everett], (tel.), 7 June 1899; WO Minutes, 8 June 1899; Everett's Minute, 3 July 1899, WO 32/6369/266/Cape/36, 38. Everett was Ardagh's deputy and filling in whilst Ardagh was at the Hague Conference.

<sup>69</sup> Butler, p.389.



resources to secure the bridges over the Orange river, having had them placed nearby before the outbreak of war, although not close enough to arouse OFS suspicions.<sup>70</sup>

As mentioned above, Butler had toured the frontiers to see the ground upon which the defence of British South Africa would be based. This had taken up a good deal of his time, but once ordered to comply, he sent his plans on 14 June. In his 'observations' Butler raised a number of pertinent points that had still not been fully addressed by the government. The first was the attitude of the OFS; the second that moving troops to the frontier might precipitate a crisis which diplomacy had been trying to avoid or delay. This was equally true for the Natal front, especially as the press had excited public opinion to such an extent that troop movements anywhere, no matter how innocuous, were likely to 'create false impressions.' Nevertheless, in the event of hostilities, Butler anticipated moving the Natal garrison forward to Glencoe, the Biggarsberg range, Ladysmith and Pietermaritzburg. Unlike Lansdowne, Butler thought Laing's Nek impracticable, especially as it had no water supply. In Cape Colony he proposed to occupy De Aar, Naauwpoort and Molteno thus garrisoning the important railway junctions, while a strong detachment guarded the bridge over the Orange river, ready to support Kimberley also. For good measure he reiterated his conviction that the attitude of the OFS was the important factor.<sup>71</sup>

With the failure of the Bloemfontein conference, Milner's thoughts turned increasingly towards the prospect of war. Although still anxious about British military preparations, Butler's attitude continued to cause him most concern. Milner was still ignorant of the details of Butler's plans and did not believe he was taking any interest in ancillary preparations. All Butler appeared to be doing was waiting for his orders. For Milner the association with Butler was becoming intolerable, but there was little he could do:

He never interferes with my business and is perfectly polite. But he is absolutely no use, unless we mean to knuckle down, in which case he had better be made High Commissioner.<sup>72</sup>

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<sup>70</sup> Goodenough to WO, 30 Sept 1896, WO 32/6369/266/Cape/1.

<sup>71</sup> Butler to WO, 14 June 1899, WO 32/6369/266/Cape/36.

<sup>72</sup> Milner to Chamberlain, 14 June 1899, Headlam, I, pp.423-426.

Milner's lament to Chamberlain did not go unheeded, but Milner was now discovering how difficult it was to deal with prominent military officials, especially those who did not see the world as Milner did. Moreover, he was also discovering how difficult it was to do anything about it. Chamberlain even suggested to Lansdowne that Buller might replace Butler; but removing and replacing generals was problematical, and it would not have been easy to justify Butler's dismissal. As Lansdowne explained, Butler was not guilty of misconduct, even though he favoured the Boers and thought Milner too partial towards the Uitlanders. 'It would in my opinion be better to leave him alone, unless he does something outrageous.'<sup>73</sup>

Although Butler was not one of the great popular heroes he was a Lieutenant-General, a rank high enough to warrant a great deal of publicity if he was dismissed. At a time when public opinion was still unfavourable towards a war in South Africa, removing a general who could claim to have preached the cause of peace would have been too damaging. Moreover, as Milner would have to consider later, would a replacement be any more co-operative?

Butler continued to baulk at the prospect of preparing for war. He told Milner that it was not surprising the Boers were making military preparations considering those being made on the British side, especially by certain members of the 'Raiders.' Moreover, 'I can find in the balance of things no reason to suppose the Dutch *could* be desirous of a war with us. Can they think the same about us.'<sup>74</sup> Milner sent this note to Chamberlain and vented his frustration on the Colonial Secretary. But for all Milner's protests about Butler's behaviour, all Milner could charge him with was 'working to rule.' Milner hoped that when war became a certainty he would get 'someone who would go into the thing whole heartedly.'<sup>75</sup>

Milner's frustration was reciprocated by Butler himself, who was depressed by the whole situation. He continued to warn the War Office of the dangers facing the British in South Africa if war broke out. He tried to show how Rhodes and other capitalists were influencing the Boer mind against a peaceful solution, their aim 'the forcing of a racial

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<sup>73</sup> Lansdowne to Chamberlain, 14 June 1899, JC 5/51/55.

<sup>74</sup> Butler to Milner, 17 June 1899, JC 10/9/34. [Butler's italics].

<sup>75</sup> Milner to Chamberlain, 18 June 1899, JC 10/9/35.



war in this country,' the result of which would be the destruction 'of the social body itself.'<sup>76</sup> Such was Butler's anxiety that when Lansdowne requested information regarding transport animals and asked for further observations,<sup>77</sup> he was unable to restrain himself any longer. Although Lansdowne had wanted general military comments, Butler offered political remarks instead. 'Persistent effort of a party to produce war forms in my estimation graver elements in situation here.' A war, he believed, between the 'white races' would be calamitous for South Africa.<sup>78</sup>

Naturally, Butler was admonished for his outburst by Lansdowne and was told, 'it is your duty to be guided in all questions of policy by High Commissioner, who is fully aware of our views, and whom you will of course loyally support.'<sup>79</sup> Yet even this transgression into politics was still not enough to warrant Butler's sacking. No real harm had been done in addressing his views to his superiors, as he had not blatantly publicised his opinions. To Milner these remarks were an affront; they hindered Butler's efficiency and made him a 'source of weakness.' Milner asked outright:

Would it be possible to find some pretext for summoning the General home immediately, say for consultations, and then finding him another post?

Milner was positive that even an open dispute with Butler was better than the continuation of the present arrangement.<sup>80</sup> Yet again, Chamberlain had to explain the unpalatable truth that to recall Butler was inadvisable and would give ammunition to Milner's critics, as well as embarrass Chamberlain. Milner was reminded that Butler would be superseded anyway, should substantial reinforcements be sent out.<sup>81</sup>

Not long after this episode, Butler received a letter from London telling him how unpopular he was in the War Office and in some newspapers. The writer, whom Butler

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<sup>76</sup> Butler to Knox, 21 June 1899, WO 32/7850.

<sup>77</sup> Lansdowne to Butler, (tel.), 21 June 1899, WO 32/7849.

<sup>78</sup> Butler to Lansdowne, (tel.), 23 June 1899, *Ibid.*

<sup>79</sup> Lansdowne to Butler, (tel.), 27 June 1899, *Ibid.*

<sup>80</sup> Milner to Chamberlain, 24 June 1899, JC 10/9/37. Butler had actually shown Milner his observations, see Butler, p.449.

<sup>81</sup> Chamberlain to Milner, 26 June 1899, JC 10/9/36.

never revealed, told him to resign if the stories about him were true. On asking Milner if he had ever been a 'hinderance or an embarrassment,' Milner told him he had.<sup>82</sup> Consequently, on 4 July 1899, Butler offered his resignation.

Faced with Milner's hostility, forced to follow the policy of the High Commissioner and unable to convince the authorities at home about the role of Rhodes and his confederates, it is not surprising Butler finally resigned. It was not until the 8 August that Lansdowne informed Butler that his resignation had been accepted, that he was to return to Britain to become the GOC(Western District) and that General Forestier-Walker was to replace him. Only Butler's resignation had saved Milner from the strain of working with a colleague who did not share his views. But by August, the military situation had still not abated enough for Milner to rest easily.

By June 1899, relations between the generals and politicians in Britain had deteriorated significantly. Little consensus existed about the nature of the Boer 'threat' and consequently the best method to deal with Boer intransigence. The government believed it had formulated a policy which successfully overawed the Boers: strong words, complemented by minor increases to the South African garrison, appeared sufficient to enforce British demands. To the politicians, the Boer 'threat' was negligible. However, since 1898, most generals agreed that war was inevitable. They felt that the correct response to Boer stubbornness was the despatch of substantial reinforcements to South Africa as a clear message of British impatience and resolve. This reaction would then either deter the Boers completely, or defeat them if they risked a war with Britain. Continual Boer defiance had convinced the generals that the government had failed to use its policy effectively.

The division of opinion in Britain helped undermine civil-military relations in South Africa. Milner and Butler received little guidance from London. The British government was prepared to 'wait and see,' while the generals remained uncertain about government intentions. Consequently, as both Milner and Butler held differing views about South Africa, their relationship deteriorated. Milner, however, discovered the difficulty in dealing with military opinion so divorced from his own, and was given a foretaste of future problems.

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<sup>82</sup> Butler, p.451; E. McCourt, *Remember Butler* (London, 1967), p.228. No dates are given.

## **CHAPTER TWO.**

### **CRISIS, WAR AND DEFEAT: FROM THE BLOEMFONTEIN CONFERENCE TO THE BATTLE OF COLENZO. JUNE - DECEMBER 1899.**

After the Bloemfontein talks collapsed on 5 June 1899 the crisis between Britain and the Transvaal worsened and eventually led to war. The British government attempted to impose their demands for Uitlander rights on the Boers by utilising the diplomatic tactics used in preceding crises. However, the Boers did not respond as expected and forced the British government to increase the military pressure until a complete army corps of 50,000 men was mobilised for service in South Africa. Until the very end the British authorities never believed the Boers would fight, even though each British demand was systematically rejected. Throughout this period civil-military relations deteriorated as the generals failed to comprehend the government's desire to explain their policy to British and Colonial public opinion at each stage of the crisis, and to give the Boers every chance to back down. The failure of the civil-military authorities to formulate a policy acceptable to generals and politicians alike led to serious flaws in the British response which were to have serious implications once war broke out. Despite these differences, however, ministers and soldiers were united by one factor; a complete underestimation of Boer military power.

The flaws became apparent during the early stages of the war, between October and December 1899, when all British expectations were shattered by Boer victories. These defeats profoundly affected civil-military relations. Although the careers of Wolseley, Buller and other generals were tarnished, public opinion blamed the government for not having listened to military advice, and for perpetuating a system which failed to harmonise the views of politicians and soldiers. Until then, the civil side had dominated relations with the military; after the defeats the balance swung the other way, as the government had to rely on new generals, such as Lord Roberts, to save the imperial presence in South Africa. Political interests which had animated the response to previous crises were now subordinated to the needs and requirements of the military.

This chapter comprises three parts: the first examines the period between June and October 1899 when the British government's policy broke down against Boer obduracy and embittered civil-military relations. The second part analyses the repercussions of the delay in military preparations, the military defeats and the standing of the politicians and soldiers in public opinion; thirdly, the reasons for and consequences of Roberts's appointment are discussed.

## I

Three days after the conclusion of the Bloemfontein conference, Wolseley, on his own initiative, presented a memorandum to the Cabinet outlining his ideas on the situation in South Africa. Wolseley explained that, in addition to the garrison in South Africa, a complete army corps of 50,000 men would be required to fight the Transvaal. Wolseley felt the government should consider 'to what extent shall we at once prepare for this contingency,' and whether preparations should be open or secret. He favoured mobilizing the army corps on Salisbury plain, under the general who would command it in South Africa. This would reveal British determination, and could be done without calling out the reserves, thus avoiding consulting Parliament.<sup>1</sup>

The Cabinet, however, rejected outright military preparations. Salisbury told the Queen that public opinion, in Britain and Cape Colony, was not ready to support a war with Kruger. Consequently, the Boers would be pressed steadily by diplomacy and nothing like an ultimatum would be presented.<sup>2</sup>

Kruger was coerced by a combination of official publications and speeches. On 13 and 14 June Chamberlain published correspondence relating to Uitlander grievances, which included Milner's famous 'Helots' despatch of 4 May. On 26 June Chamberlain himself launched the verbal assault on Kruger, by emphasising the importance of securing Uitlander rights. It was the only way, he argued, to maintain peace in South Africa. Evidently, the public reacted favourably to these tactics, particularly Chamberlain's speech. But, the government lacked sufficient confidence to increase the garrison as

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<sup>1</sup> 8 June 1899, CAB 37/50/38.

<sup>2</sup> Salisbury to the Queen, 13 June 1899, CAB 41/25/12.

Milner demanded, even though he considered the publications had created a sensation in South Africa. In fact, the Colonial Office officials were irritated by Milner's views, Chamberlain minuting that he would not be hurried and did not believe an Afrikaner rising was imminent in the Cape, as Milner had suggested. Selborne told Milner that the publications had not won over the public sufficiently enough.<sup>3</sup>

As Chamberlain's speech had been favourably received, the Cabinet felt able to make some military preparations. It was agreed to send Special Service Officers to South Africa to enhance defences in Cape Colony. Cabinet assent was given to the GOC(SA) to make minor transport arrangements for the garrison, and extra supplies of ammunition were also sent.<sup>4</sup> In addition, sometime in early June, General Buller was appointed the commander of an expeditionary force should one be needed.<sup>5</sup>

Prompted by a combination of public confidence arising from Chamberlain's speech, and the need to do more in case the Boers were unresponsive, Lansdowne asked Wolseley and Buller about the possibility of more overt military preparations. Buller was summoned to the War Office on 3 July and Lansdowne told him he was contemplating the despatch of 10,000 men to South Africa.<sup>6</sup> The following day, Lansdowne asked Wolseley to prepare 10,000 men for service in South Africa, in case the negotiations should collapse. Wolseley was advised to consider such matters as transport, equipment and costs.<sup>7</sup> Whether doubling the garrison was felt to be a sufficient indication of British resolve, or whether 10,000 men was the number the military could mobilise at short notice is not indicated. Equally, it is not clear if this was Lansdowne's idea, or one taken by the Cabinet. But as the generals' opinions were put before the Cabinet, it is likely the decision was not Lansdowne's alone. On 6 and 7 July 1899, Lansdowne received Buller's and Wolseley's views. Buller was hostile to the idea of sending troops from the main field

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<sup>3</sup> Milner to Chamberlain, (tel.), & CO Minutes, 16 June 1899, CO 48/542/ff.467-466; Selborne to Milner, 25 June 1899, Boyce (ed.), pp.83-85.

<sup>4</sup> Lansdowne to Wolseley, 16 June 1899; Wolseley's comments, 17 June 1899; Lansdowne's decision, 18 June 1899, WO 32/7846; Salisbury to the Queen, 20 & 27 June 1899, CAB 41/25/13, 14.

<sup>5</sup> Milner's military secretary, Hanbury-Williams, said Buller's appointment was well received. 'I am told his name is a terror to the Boers.' Hanbury-Williams to Altham, 27 June 1899, CO 417/275/f.433.

<sup>6</sup> Buller to brother, 3 Nov 1899; Memo. by Buller, c.1903, pp.1-2, WO 132/6 & 24.

<sup>7</sup> Lansdowne to Wolseley, 4 July 1899, WO 32/7847.

force. Buller had taken this position two years before; he knew the Boers well and probably realised that only an 'overwhelming force' would either intimidate or eventually defeat them. He preferred to send the whole complement once hostilities were inevitable; in the meantime he wanted defensive preparations made in the Cape and Natal. Buller also wanted a decision made about the OFS, as 'the route to be adopted in operations against Pretoria must chiefly be decided on with regard to our relations with the Orange Free State,' especially as this route would make it easier to obtain supplies and transport.

Wolseley broadly agreed with Buller's comments and endorsed his plea that the position of the OFS be clarified. But, as in 1897, Wolseley did not share Buller's views regarding the 10,000 reinforcements. He considered it a good idea '...being an open demonstration of a warlike policy, and also an efficacious method of strengthening our present military position there.' Apart from this Wolseley and Buller were in complete accord.<sup>8</sup> However, on 12 July, Lansdowne informed Wolseley that 'There is now I think a general agreement that if there is to be a serious demonstration it should take a different shape. The proposal need not be further pursued.'<sup>9</sup>

The plan was altered by a change in the political situation. On 7 July, the Boers issued tentative proposals that offered the prospect of revitalising diplomatic negotiations. Unwilling to appear intransigent themselves, and genuinely optimistic, the British government gladly deferred making overt military preparations. The Cabinet now saw the chance of getting concessions from the Boers without the use of force or more expenditure. Wolseley, however, feared Kruger was playing an intricate game, having found the measure of the British Cabinet, especially their desire to avoid war until public opinion clamoured for it. Rather contemptuously, he thought the politicians only desired to forestall war and let a future government incur the odium of fighting the Boers.<sup>10</sup>

Wolseley's anxiety was perceptive: Kruger was tantalising the Cabinet. Salisbury explained to the Queen that he was 'much impressed with the more pacific tone of the Cabinet:' most ministers felt Britain should be circumspect in its actions as public opinion

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<sup>8</sup> Memo. by Buller, 6 July 1899; Wolseley's comments, 7 July 1899, CAB 37/50/43.

<sup>9</sup> WO Minutes, 12 July 1899, WO 32/7847.

<sup>10</sup> Wolseley to Wife, 11 July 1899, WP 28/38.

was still unfavourable.<sup>11</sup> The government's determination to hold back was further strengthened when on 18 July, the Transvaal Volksraad clarified the Boer proposals by carrying an amendment reducing the residence qualification from nine years to seven. The apparent Boer climb down seemed to indicate that if the government used diplomatic and military tactics similar to those employed between 1896 and 1898 then the Boers, for all their obduracy, would eventually retreat. Moreover, the apparent relief at being able to drop military preparations at a stroke revealed the trend in civil-military relations throughout June and July. Each time public opinion appeared favourable, military estimates and preparations were asked and called for, until the next Boer diplomatic initiative seemed to turn public opinion in the other direction.

Milner, however, was astounded, especially as Chamberlain appeared to believe the offer was genuine. So alarmed was he by Chamberlain's telegrams that he suspected 'He seems now to *wish a patch-up*.'<sup>12</sup> Yet Milner realised the weakness of this policy: the government left themselves with little room to manoeuvre. A forthright note to Chamberlain revealed the nub of his argument. Milner stated that as the Boers were so powerful militarily, the present garrison of nearly 10,000 men was totally worthless. More troops were needed to intimidate the Transvaal, to make them honour their side of the bargain. He explained that if the crisis was resolved without the stipulation of Transvaal disarmament, the Boers would be free to abrogate any treaty whenever they wished. 'Public opinion would surely approve action directed to prevent establishment of military power overshadowing S.Africa.'<sup>13</sup>

Milner's protestations emphasised the fact that the government had not considered how agreements were to be implemented and enforced. Intimidating the Boers had seemed easy; ensuring that intimidation lasted was not so simple. Milner tried to remedy this defect in government policy; whether it was his pleas that awoke the government is unclear; but Salisbury, at least, suddenly realised the importance of keeping military pressure on the Boers, to stop them 'back-sliding' in the future. However, his suggestion

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<sup>11</sup> Salisbury to the Queen, 11 July 1899, CAB 41/25/16.

<sup>12</sup> Milner to Selborne, 12 July 1899, Boyce (ed.), pp.89-91. [Milner's italics]. Selborne later assured Milner that public opinion was being won over - gradually. Salisbury, he explained, wanted steady military pressure to be applied. Selborne to Milner, 27 July 1899, *Ibid.*, pp.91-92.

<sup>13</sup> Milner to Chamberlain, 16 July 1899, Headlam, I, p.511.

that troops be positioned on the Transvaal's northern border, away from the politics of the Cape, lacked subtlety.<sup>14</sup>

Following the Boer announcement on 18 July, the Cabinet declared publicly that now the Boers had offered concessions they would not tolerate any turning back, and equated any such move as a threat to British supremacy. To reinforce their stand, ministers, in reply to the Boer proposals, advocated the formation of a joint commission to investigate how the proposals might work in practice.<sup>15</sup> However, while government rhetoric was aimed at the British public, it did not impress politicians in Natal. Between late July and early August, opinion within the Natal ministry began to exert a significant influence over British policy.

The attitude of the Natal government was important for Milner. As the only colony with a British majority, opinion in Natal, if cultivated properly, was a considerable asset. Milner, unable to rely on the loyalty of the Afrikaner Bond ministry in Cape Colony, had to use Natal as the mainstay of his loyalist support. Without the backing of this important sector of Colonial opinion, Milner's attempts to persuade the British that Colonial loyalty was at risk would have little credibility. But as Natal offered the Boers access to the sea it was likely to become a major, if not the main, battlefield in the event of war. Even if the capture of Durban was beyond the Boers' capabilities Natal, nevertheless, offered them the opportunity of gaining early victories, as Milner had already told Selborne.<sup>16</sup> Boer numerical superiority and ability to concentrate numbers quickly, meant they might easily defeat a smaller British contingent, and overrun much territory before British reinforcements arrived. The propaganda value of Boer victories was something both Milner and the Natal government were loath to contemplate.

To secure Natal's support, Milner instructed Hely-Hutchinson to inform ministers: that it is out of the question that any invasion of Natal should be tolerated by Her Majesty's Government. Such an event is highly improbable, I think: but Natal would be defended with the whole force of the Empire, if it occurred, and redress would be exacted for any injury to her.

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<sup>14</sup> Salisbury to Chamberlain, 19 July 1899, JC 5/67/114.

<sup>15</sup> Porter, *Origins*, pp. 223-233.

<sup>16</sup> Chapter 1, p.47.



Milner told Chamberlain that he hoped this would make the Natal government 'overtly [take] our side on the Uitlander question.'<sup>17</sup>

Consequently, Milner was keen to humour the Natal government whenever possible. So when ministers became apprehensive about the Colony's defence, and wished to be informed about military plans, Milner lobbied for them vociferously and successfully.<sup>18</sup> Milner attempted to use the Natal government's anxieties in a bid to get the reinforcements he craved. However, his lobbying did not soothe the Natal government; in fact it made their anxiety worse. Informed of the plans, ministers discovered that the area to the far north, known as the 'triangle,' was to be abandoned owing to the lack of troops. General Symons only intended to defend the Glencoe/Dundee coalfields and forsake the defence of Newcastle and, more emotively, Laing's Nek. As Hely-Hutchinson explained, Symons would need far more troops to defend the whole Colony.<sup>19</sup> Symons had informed the Governor that 1,600 men were required to render Natal safe from raids and to hold Newcastle; while 5,600 men were required to defend the colony from Laing's Nek.<sup>20</sup> This information made the Natal ministry call for reinforcements, and remind Milner of his promise of 25 May; furthermore they added that if negotiations with the Boers collapsed, 'such steps may be at once taken as may be necessary for the effectual defence of the whole colony.'<sup>21</sup>

The Colonial Office, responded enthusiastically to Natal's request. The Boers had not been forthcoming in their answer to Chamberlain's joint enquiry proposal, and therefore needed some prompting. Natal now provided the arguments for increasing the military pressure on Kruger, and assisting Britain's bargaining position by an addition to the garrison. Clearly, officials had in mind earlier Boer retreats when troops were sent to

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<sup>17</sup> Milner to Chamberlain, 25 May 1899, WO 32/7850. Chamberlain endorsed Milner's action.

<sup>18</sup> Milner to Chamberlain, 16 July 1899, CO 417/263/f.685. Wolseley, however, was against this arguing it would increase the difficulties of the GOC(SA). Wolseley did not trust Colonial governments and said telling them military plans, '...amounts to throwing one's cards on the table.' Wolseley to Knox, 27 July 1899, WO 32/6369/266/Cape/41.

<sup>19</sup> Hely-Hutchinson to Ministers, 24 July 1899, CO 179/205/ff.858-859.

<sup>20</sup> Symons to Hely-Hutchinson, (tel.), 21 July 1899, *Ibid.*, ff.863-864.

<sup>21</sup> Hely-Hutchinson to Chamberlain, 25 July 1899, CO 179/205/ff.791-792, 796-797.

South Africa. Selborne wanted 5,000 troops sent, and argued it was the cheapest way to conclude negotiations successfully.<sup>22</sup>

Milner pointed out that reinforcements would make Natal secure and 'be in a position of advantage almost compelling submission...' He also stated that for once Natal was actually asking for troops rather than opposing the idea. 'It is an opportunity that may never recur.'<sup>23</sup>

In the end, the Cabinet decided to send only 2,000 troops to Natal immediately, slightly more than Symons wanted to make the Colony safe from Newcastle and safe against raids, but not enough to make the whole Colony secure.<sup>24</sup> Apparently, Lansdowne had recommended the figure of 2,000 and was supported by Hicks Beach who was against any unnecessary expenditure. Salisbury had wanted to send 5,000, but eventually agreed with his Chancellor and War Minister. Treasury control of the spending departments had, it seems, created a mentality of economy, whereby ministers were loath to recommend extraordinary expenditure.<sup>25</sup> Undoubtedly, this played a part in the decision making process, but Treasury control, actual or influential, was not the only reason for limiting the number of reinforcements. Ministers were following precedent, as the earlier discussion of previous crises has shown. Lansdowne told Wolseley:

The object of such an addition would be to strengthen our own position, to reassure the colonists, and, above all, to strengthen our diplomacy during the new phase which is commencing.

Lansdowne was swayed by several reasons for recommending the lesser figure. First, as he explained further, this small addition was not designed to occupy Laing's Nek as this would require a lot more men, especially as a Boer invasion was not expected, 'and we are not asked to provide against it.' Secondly, he could refer to the precedent of 1897; thirdly, the Natal ministry was expected to supplement the regular army by calling out the volunteers. Wolseley welcomed the addition to the Natal garrison even though it would not make the Colony entirely safe, but 'it will make our position north of the Tugela

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<sup>22</sup> CO Minutes, 26 July 1899, *Ibid.*, f.790.

<sup>23</sup> Milner to Chamberlain, 30 July 1899, CO 417/264/ff.238-239.

<sup>24</sup> Salisbury to the Queen, 1 Aug 1899, CAB 41/25/17.

<sup>25</sup> M.M.Yakutieli, *"Treasury Control" and the South African War 1899-c.1905* (unpub. D.Phil. thesis, Oxford, 1989), pp.12-13.

River, and at Ladysmith particularly, much more secure than it is at present.<sup>26</sup> However, Wolseley remained unconvinced that this was a proper answer to Boer obduracy. Thus, the government had dealt with the Boers as they had done in the past; all that remained was for the Boers to take the hint.

Early August was an anxious time for the British government. As the Boers seemed unwilling to respond further to British overtures, drastic measures had to be contemplated once more. The pattern of the period following the Bloemfontein conference was repeating itself as Boer non-compliance appeared very real. In view of the fact that 'a new phase was commencing,' Lansdowne, at the behest of the Cabinet, presented a memorandum on 12 August which provided information:

as to the time which would elapse between the occurrence of an event rendering hostilities with the Transvaal inevitable and the concentration in the north of Natal of the force which we should probably send out, viz., an Army Corps and a cavalry division.<sup>27</sup>

Lansdowne told his colleagues how difficult it was to get the timing right when ordering full mobilization. If all was in readiness, the army corps would take less than a month to embark for South Africa. Unfortunately, it would not only cost large sums to get everything ready, but as nothing had yet been done, the mobilization would take far longer. The army, in fact, lacked transport, equipment and supplies; and it would take three months to remedy these defects. Furthermore, the Natal railway was so inadequate it would take an extra six weeks for the army to move troops, equipment and supplies to the railhead (the concentration point at the end of the line). Lansdowne estimated it would take four months before the army corps was ready for action in South Africa. He calculated that over £1 million would have to be spent to reduce that period by a month. However, Lansdowne's concluding paragraph ended optimistically because he did not believe the Natal garrison was in danger. 'The long delay anticipated in this Memorandum would therefore not involve any risk of a military reverse although its political effect might be serious and inconvenient.'

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<sup>26</sup> Lansdowne to Wolseley; Wolseley to Lansdowne, 2 Aug 1899, RC PP(1904), XL, Cd.1789, pp.264-265.

<sup>27</sup> 12 Aug 1899, CAB 37/50/49.

Lansdowne was later asked why he did not make any recommendations.<sup>28</sup> He said it was:

because I cannot dissociate my position as Secretary of State for War from my position as a member of the Cabinet. I placed the Cabinet in full possession of the problem which lay before us. I gave them this "time table", so that they might know what risk was incurred by the postponement of the expenditure...<sup>29</sup>

The Cabinet had no intention of mobilizing the army corps, it was merely time to consider options. The extent of the government's military policy was revealed by the despatch of 2,000 troops to Natal. To begin ordering the mobilization of the army corps, when public opinion was unfavourable, would merely show the government to be war-mongering. Moreover, the Boer response to the reinforcements had not been appreciated. Cabinet policy was well settled at that stage; the Boers were to be gently prodded, not goaded into retaliation.

That Lansdowne did not need to make a recommendation can be seen in Salisbury's reaction to his memorandum. Salisbury, perhaps speaking for the Cabinet, revealed the political thinking at the time. He did not consider it worth spending one million pounds just to reduce the army's preparations from ~~four~~ to *three* months. For Salisbury, the 'wiser plan' was to spend money only when war was inevitable.<sup>30</sup> Nonetheless, the politicians were now aware of the requirements should they decide to use the army corps; it remained for them to judge when the moment was politically suitable.

That it was unsuitable was illustrated by the Cabinet's rejection, a week later, of a new memorandum from Wolseley,<sup>31</sup> written without the approval of his political superiors, who were away on holiday. Wolseley focused on the weak garrison in Natal and echoed Milner's views that such a situation offered the Boers the chance of an early victory, particularly if they occupied the 'triangle', which would dismay loyalist opinion. He suggested the immediate despatch of 10,000 men drawn from the army corps. Once

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<sup>28</sup> question 21154, RC PP(1904), XLI, Cd.1791, p.508.

<sup>29</sup> *Ibid.*

<sup>30</sup> Salisbury to Chamberlain, 16 Aug 1899, JC 5/67/115.

<sup>31</sup> 18 Aug 1899, CAB 37/50/52.

in position they could easily hold the 'triangle' and facilitate the future deployment of the main force.

The Cabinet rejected Wolseley's request because there had again been a dramatic change in the political situation. The Boers had despatched a new set of proposals (known as the Smuts Proposals, after the Transvaal's Attorney-General who had been instrumental in formulating them), which seemed to offer the British a diplomatic victory. Chamberlain informed Lansdowne that these justified 'some delay in proceeding with preparations which would involve heavy expenditure.' Chamberlain was conscious that the proposals, like others before them, might amount to nothing, and suggested that the War Office prepare reinforcements as he expected the next British demand to be an ultimatum.<sup>32</sup> However, these remarks hid, for the time being, Chamberlain's belief that the Boers had finally backed down.

There was a hint of irritation in Lansdowne's reply to Wolseley because, after all, the situation did seem to be changing for the better. Lansdowne told Wolseley he should have spoken out earlier, preferably at the beginning of the month when the situation was more critical. Lansdowne did not elaborate on this point and it is difficult to judge which predicament was the more critical of the two. Perhaps the appeals of the Natal ministry made it seem so; or Lansdowne was just exasperated with Wolseley for speaking out when he, and other ministers were on holiday. Relations between the two were worse than ever owing to Wolseley's reluctance to use British troops from India as a source of reinforcements. Wolseley hated the Indian army for two reasons: first, Indian army troops had, to him, lost the battle of Majuba in 1881; second, they were associated more with his detested rival Lord Roberts. Lansdowne, however, reminded Wolseley that troops from India could reach South Africa earlier than those from Britain, and then proceeded to give Wolseley a lesson in strategy. Lansdowne, referring to Wolseley's favourable attitude towards deploying troops in Natal, said British forces would be better disposed in Cape Colony as a complete force. They would then be ready for an advance through the OFS, should the OFS prove hostile, and added that he knew Wolseley endorsed this route: the troops from India, which were earmarked for Natal, meanwhile, could act as a valuable

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<sup>32</sup> Chamberlain to Lansdowne, 18 Aug 1899, JC 5/51/63.

diversion. Lansdowne did not share Wolseley's anxiety about the safety of northern Natal and thought the present garrison quite capable of looking after itself.<sup>33</sup>

Wolseley was not prepared to let Lansdowne's note go unanswered. He reminded him that Kruger's stalling was likely to cost more than any overt military preparations owing to the continual unrest. Indeed, on 21 August, only two days after presenting their proposals, the Boers had hastily put conditions on their acceptance, and were obviously 'backsliding' again. British strength in South Africa was such that if war came:

we shall surrender the initiative to Kruger; and in no recent case that I can think of would, or, at least, if properly handled, could that initiative be more likely to seriously injure our national prestige, or be more hurtful to the party in office, if I may venture upon such a political comment.

To secure peace, therefore, it was necessary to have a show of force in South Africa.<sup>34</sup>

As the Boers appeared to have promised so much and then backed down again, ministers now had to consider the possibility of altering their tactics. Public opinion had to be gauged carefully, and two questions needed consideration in attempting to measure the trend of public support: had ministers exhausted the diplomatic option sufficiently? Or was the time ripe for overt and substantial military measures to be ordered? As the recent addition to the Natal garrison had obviously not intimidated the Boers, Chamberlain felt strongly that the Boers had been accommodated long enough and it was time for a substantial demonstration of British strength and resolve. As the views of Milner and Wolseley coincided, Chamberlain felt there was a point in sending out substantial reinforcements to support British demands. He concluded that if the Boer conditions to the Smuts proposals proved unacceptable, then they must be compelled towards a settlement, and that 10,000 troops ought to go to South Africa. He also wanted it made public that the army corps would soon follow.<sup>35</sup> Lansdowne also was moving towards this view, although a little reluctantly: the Boer proposals '...seem to me to merit

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<sup>33</sup> Lansdowne to Wolseley 20 Aug 1899, CAB 37/50/53; Lansdowne to Chamberlain, 21 Aug 1899, JC 5/51/67.

<sup>34</sup> Wolseley to Lansdowne, 24 Aug 1899, CAB 37/50/56.

<sup>35</sup> Chamberlain to Lansdowne, 24 Aug 1899, JC 5/51/70. Chamberlain endorsed Lansdowne's view that India should send the reinforcements as this was the cheaper option. Milner wanted 5,000 troops in northern Natal in order to quell any signs of rebellion and give heart to loyal colonists. Milner to Chamberlain, 23 Aug 1899, JC 10/9/48.

benevolent examination.' But, on hearing that Conynghame Greene believed the Boers were likely to reject Chamberlain's demands, he concluded that the Indian contingent should be sent sooner rather than later.<sup>36</sup> Thus, 2,000 troops had proved incapable of altering Boer intransigence; the precedent set by earlier crises had failed. The time had now arrived for the government to increase diplomatic pressure and consider Wolseley's favoured option - the despatch of 10,000 troops to South Africa. All that remained was for public opinion to endorse such a measure.

On 28 August Chamberlain told the Boers he could not accept their conditions as they stood, although his reply was not an outright rejection. Chamberlain left enough leeway for the Boers to make some arrangement. However, on 2 September the Boers withdrew the Smuts Proposals altogether. For the British, the military option was now of paramount importance. The lull in preparations, evident in late August, made Milner fear that nothing would be done until the last moment. To Selborne, Milner wrote vehemently that it was time for stronger action:

My own absolute conviction is that it is worth those millions to settle for ever, as you would, the South African question. If the plunge cannot be taken *now*, it will be too late.<sup>37</sup>

The only problem facing the politicians now, as Chamberlain acknowledged to Milner was that 'the technical *casus belli* is a very weak one,' which hindered preparations and resolute action.<sup>38</sup> Consequently, in order to discuss and consider the situation, ministers decided to hold a special cabinet meeting on 8 September. Although ministers were prepared to contemplate increasing the military pressure, they had failed to anticipate sufficiently the need for any rapid moves in talks with their military advisers, and there was a looming gap between what the politicians suddenly wanted and what the military could provide.

On 5 September, General Buller interrupted the political debate and awoke the Cabinet to this problem. He requested that before the government decided on an ultimatum 'the military should be in a position to enforce it.' At the same time, he wrote

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<sup>36</sup> Lansdowne to Wolseley, 27 Aug 1899, CAB 37/50/57; to Salisbury, 1 Sept 1899, SP LC/ff.431-432.

<sup>37</sup> Milner to Selborne, 30 Aug 1899, Boyce (ed.), pp.93-94 [Milner's italics]; to Chamberlain, 30 Aug 1899, JC 10/9/49.

<sup>38</sup> Chamberlain to Milner, 2 Sept 1899, JC 10/9/50.

to Wolseley, and expressed his concern over future strategy. Buller had to assume the army corps would be based in Natal as the attitude of the OFS remained unclarified. His major concern, however, was the length of time needed for the reinforcements to arrive; as far as he was concerned the present garrison could defend itself, but not the whole colony. He urged therefore that any ultimatum be delayed until adequate numbers of troops had arrived in Natal.<sup>39</sup>

Wolseley endorsed Buller's views in a note to Lansdowne, which represented the difficulties facing the soldiers. While condemning the fact that preparations had not been made sooner, Wolseley asked:

Can we not stave off actual hostilities for five or six weeks to enable us to collect in Natal the military force I have all along recommended should be sent there?

Wolseley's irritation centred on the belief that the Boers were now in a better position to strike the first blow: they had, he said, been given 'the initiative.' Wolseley wanted immediate reinforcements sent to Natal; his biggest fear was that the government would precipitate a crisis before the army was ready, under the impression that it was. It was time, he added, for the soldiers and the politicians to work hand in hand.<sup>40</sup>

Chamberlain's views had now moved closer to those of Milner and the soldiers. He was anxious about loyalist fidelity, and used the arguments of the generals to support his case. Chamberlain was concerned not to overstate his argument, particularly to fellow politicians who were wary of taking military opinion at face value. He qualified his assertions by saying he thought the soldiers' opinions somewhat exaggerated when they declared the garrison to be weak or in danger. By so doing, Chamberlain was able to offer the Indian contingent as a compromise; he could placate the military by sending troops and accommodate the politicians by not making overt military preparations. For Chamberlain the Indian contingent was the best of both worlds. He argued that if military preparations were necessary 'has not the time arrived...when we should increase our demands and make a final settlement?' The following day, Chamberlain emphasised his views more forcefully. He reminded his colleagues that the only time the Boers backed

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<sup>39</sup> Buller to Salisbury, 5 Sept 1899, CAB 37/50/62; to Wolseley, 5 Sept 1899, CAB 37/50/66.

<sup>40</sup> Wolseley to Lansdowne, 5 Sept 1899, CAB 37/50/69.



down was when the British supported their demands with force; and if Britain failed to resolve the crisis now:

we shall have to maintain permanently in South Africa a very large garrison, at a great expense to the British taxpayer, and involving the utter disorganization of our military system.<sup>41</sup>

Chamberlain, in fact, echoed what Milner had been saying for the past three months. He, like Milner also, worried that an early Boer victory might have disastrous results, with the government held responsible. As a result, the Cabinet decided to send 10,000 reinforcements to Natal, exclusive of the those sanctioned in August; this, as Salisbury explained to the Queen, was done after considering messages from Natal because there were signs the Boers might strike first. They also resolved to test the OFS by demanding President Steyn maintain a strict neutrality should war occur between Britain and the Transvaal. Meanwhile, another note was sent to Kruger offering him the chance to reconsider, and to allow for the period required for the reinforcements to arrive: if Kruger's reply was unsatisfactory the next communication would be an ultimatum.<sup>42</sup>

The Cabinet had, apparently, met the requirements of the military. Although Buller had second thoughts and wanted even more troops sent to Natal, Wolseley told Lansdowne 'that he will stake his reputation that after the reinforcements have arrived we shall be safe as to anything S[outh] of the Biggarsberg.' Any delay, he added, in preparing further reinforcements would be an inconvenience, nothing more.<sup>43</sup>

Consequently, the government proved reluctant to order immediate preparations for the mobilization of the army corps, despite Milner's pleas for them to do so. Ministers were concerned lest they should either appear aggressive by not giving the Boers a chance to consider their note of 8 September, or provoke them unduly. Such reticence, however, went unrewarded. Kruger rejected the Cabinet's overtures, and it became clear to ministers

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<sup>41</sup> Memos. by Chamberlain, 5 & 6 Sept 1899, CAB 37/50/63, 70.

<sup>42</sup> Salisbury to the Queen, 8 Sept 1899, CAB 41/25/18; Hely-Hutchinson to Chamberlain, 6 Sept 1899, CO 179/206/ff.226-228. Evidently, the Natal ministry was still anxious about abandoning Laing's Nek, and that a successful Boer invasion would dishearten the loyalists and the natives. Consequently, one Colonial Office official wrote that it was far more important 'from a political point of view' to defend Natal; he did not believe the Boers would attack Cape Colony, probably because of the Afrikaner Bond ministry and generally sympathetic population. CO Minutes, 7 Sept 1899, *Ibid.*, ff.223-224.

<sup>43</sup> Lansdowne to Chamberlain, 9 Sept 1899, JC 5/51/80; Pakenham, p.97.

and soldiers alike that the army corps would have to be mobilised. Lansdowne, after consulting Wolseley and Buller, thought it best to wait until Natal 'should be thoroughly safe.' Moreover, he explained that the army corps' transport would take 13 weeks to collect in South Africa, whereas the troops themselves would take only 9 weeks to mobilise and arrive in Cape Town. Thus the four weeks delay was necessary to synchronise the arrival of the troops with the collection of their transport. Lansdowne, therefore, wanted Cabinet authorization to purchase and arrange transportation and supplies immediately. This he believed would not provoke the Boers, as purchasing for the garrison was already taking place.<sup>44</sup>

On 23 September, the day after Kruger was warned finally that if he did not respond the next note would be an ultimatum, the Cabinet authorised Wolseley to spend £640,000 on transport for the army corps, something he believed should have been done in July. Wolseley did not share the government's concern with public opinion and had little sympathy for or understanding of Cabinet policy. As he explained to General Ardagh:

We have lost two months through the absolute folly of our Cabinet & the incapacity of its members to take in the requirements & the difficulties of war...It is no wonder we never achieve much in war & have to struggle through obstacles created by the folly & war ignorance of civilian ministers & War Office clerks.<sup>45</sup>

Ardagh shared Wolseley's frustration and felt Cabinet policy had not inspired terror or respect in the Boer leaders, '...I cannot, from what I know, defend their attitude as being the course most likely to end in peace with honour.'<sup>46</sup>

The next matter for ministers to consider was the campaign strategy. As early as 3 June 1899, Major Altham had compiled a memorandum recommending an invasion of the OFS as the best route to Johannesburg and Pretoria. On 8 August, Altham reiterated his view that as the OFS was likely to side with the Transvaal, British military

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<sup>44</sup> Milner to Chamberlain, 19 Sept 1899, Headlam, I, pp.540-41; Lansdowne to Salisbury, 21 Sept 1899, SP LC/ff.433-439.

<sup>45</sup> Wolseley to Ardagh, 23 Sept 1899, PRO 30/40/3/61-5; to Wife, 22 Sept 1899, WP 28/55.

<sup>46</sup> Ardagh to Wife, 24 Sept 1899, PRO 30/40/3/66.

preparations ought to ensure they were based 'on the definite hypothesis of a hostile Free State.'<sup>47</sup>

This aspect enabled the South African command to intervene in the political debate. The garrison commanders had largely been forgotten by London, especially since Butler's resignation. The Cabinet and the military in London felt the South African command was of little importance. Forestier-Walker was given no instructions before leaving Britain, nor left any information by Butler.<sup>48</sup> Similarly, General White, who had been appointed commander of the enhanced garrison in Natal, left Britain on 16 September also having received no instructions.<sup>49</sup> However, on 11 September, Forestier-Walker, who had only just arrived in South Africa, told Ardagh that it was virtually certain the OFS would join the Transvaal, as would Afrikaners living along the Cape Colony border with the OFS.<sup>50</sup> That same day, Forestier-Walker informed Lansdowne that Milner was insisting that Laing's Nek be occupied at once, an operation he thought too risky under the circumstances. Lansdowne then informed Chamberlain that the military were against Milner's request to occupy Laing's Nek: Wolseley, Buller, Forestier-Walker, and White were all averse to such an action.<sup>51</sup> The separation of the two commands in South Africa was an indication of the military preference for the Cape route. Their insistence that the Natal forces should not be moved further north than the Biggarsberg (which effectively abandoned the 'triangle' area) was meant to facilitate an advance into the OFS, and not risk the Natal garrison being cut off in the north. As Lansdowne stated, 'Whatever our private opinions...we must upon a point of this sort be guided by our military advisers.'<sup>52</sup>

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<sup>47</sup> Memos. by Altham, 3 June 1899 & 8 Aug 1899, WO 32/7844, WO 32/6369/266/Cape/42; the OFS had recently voted £34,370, or an extra 11% of its average annual expenditure, to be spent on arms.

<sup>48</sup> Forestier-Walker evidence, RC PP(1904), XLI, Cd.1791, 13657-13662, pp.93-94.

<sup>49</sup> *Ibid.*, 14720-14722, p.49.

<sup>50</sup> Forestier-Walker to Ardagh, 11 Sept 1899, WO 32/7855.

<sup>51</sup> The Natal command was made distinct from that of Buller's, as he would be in Cape Colony. White though was subordinate to Buller.

<sup>52</sup> Lansdowne to Chamberlain, 15 Sept 1899; also enclosed is Forestier-Walker to Lansdowne, 11 Sept 1899, JC 5/51/82.

On 25 September, Lansdowne discussed the problem with the Cabinet and presented notes by Wolseley and Buller (dated 24 & 25 September respectively) which supported the OFS move, and which he endorsed. If the OFS was ignored and the Natal route decided upon Lansdowne argued, 'we shall find it virtually impossible to alter our plans should the Orange Free State at the last moment declare itself hostile.' Hostility seemed likely given President Steyn's recent speeches.<sup>53</sup> Following a further note from Lansdowne which stated that the OFS route would save a week's preparations, as the army corps had less distance to travel, the Cabinet agreed to declare war on the OFS as well as the Transvaal. Moreover, they also agreed to mobilise the army corps and call up the Reserves, a public message to the Boers, British and loyalist opinion alike. The military recommended the Reserves be mobilised on 7 October, and then Parliament could meet on the seventeenth to sanction preparations. Despite the Transvaal's recalcitrance, the Cabinet still hoped that these preparations might prompt a Boer retreat. Kruger was given one last chance to back down.<sup>54</sup> Significantly, the Cabinet agreed to hold back any advance of the Natal garrison, in order to expedite the advance of the army corps. This was to be a key factor as the campaign unfolded.

The decision to mobilize the Reserves and despatch the army corps, occasioned relief rather than euphoria. Militarily, the British position seemed safe, and ministers did not believe the Boers would attack first.<sup>55</sup> Military opinion echoed that of the politicians. Wolseley was highly confident and felt the army corps was better led and equipped than the army sent to the Crimea in 1854.<sup>56</sup> Colonel Everett, temporarily in charge of the Intelligence Department, confidently stated that after the Transvaal had made troop deductions to watch over natives, Rhodesia and Johannesburg, only 9,000 men would be available for offensive operations. Similarly, the OFS, after their deductions, could only

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<sup>53</sup> Memo. by Lansdowne, 25 Sept 1899, CAB 37/51/73.

<sup>54</sup> Lansdowne to Salisbury, 30 Sept 1899, SP LC/ff.441-444; Salisbury to the Queen, 29 & 30 Sept 1899, CAB 41/25/20, 21.

<sup>55</sup> Hicks Beach to Chamberlain, 4 Oct 1899, JC 16/5/26; Chamberlain to Balfour, 3 Oct 1899, JC 5/5/83.

<sup>56</sup> Wolseley to Wife, 29 Sept 1899, WP 28/61.

field 5,000 men.<sup>57</sup> Furthermore, Lansdowne showed Chamberlain notes from Buller and Wood which stated they were convinced the Boers would not attack Natal.<sup>58</sup>

However, an important factor was emerging from the last days of peace. Whereas the Cabinet seemed content that everything had now been done to bring the crisis to a head and safeguard British interests in South Africa, doubts were materialising about government policy. Milner maintained that the interval between the arrival of the 10,000 reinforcements, who were expected to arrive in mid-October and the appearance of the army corps in late November-early December, was critical. Until then, the Cape had few defenders and any Boer success might cause an Afrikaner uprising. Milner wanted units of the army corps sent out immediately in order to foster the impression that a steady stream of troops were arriving in Cape Town. Milner was prepared for the worst:

and I foresee that if we met with any serious reverses in October, the fact of being without any prospect of further support till the end of November would discourage our men and give a tremendous impetus to the enemy. We might lose in a few weeks what it would take months to recover. Telegrams from home indicating long delay are doing mischief here.<sup>59</sup>

Indeed, British public opinion was beginning to turn in another direction. Selborne was concerned that only 4/5 of public opinion supported the government, not only due to the stalemate in negotiations, but, more ominously, owing to 'our hesitancy (militarily almost criminal) in making early preparations.'<sup>60</sup> In fact this problem had been pinpointed earlier by Brodrick, Salisbury's deputy at the Foreign Office. He believed, 'The Govt. have been courting disaster' because of the delay in authorising military preparations. 'I am not a jingo or a Milnerite, but it goes to my heart to see the risks we are running.'<sup>61</sup> The government was facing a particular difficulty as war approached: how

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<sup>57</sup> Memo. by Everett, 28 Sept 1899, WO 32/6369. Altham's memo. of 3 June estimated a combined Boer force of 29,000, plus 4,000 Cape rebels. Everett deducted 15% from the Transvaal official figures to remove 16-18 & 50-60 year olds. Likewise, 15% was deducted from the OFS figures supplied by his own department. The resulting figure was 55% of the total male population. Everett was in charge because Ardagh was ill and Altham was going to South Africa.

<sup>58</sup> Lansdowne to Chamberlain, 4 Oct 1899, JC 5/51/86. The notes are not included in the Chamberlain papers.

<sup>59</sup> Milner to Chamberlain, 8 Oct 1899, JC 10/9/71.

<sup>60</sup> Selborne to Milner, 7 Oct 1899, cit. Porter, *Origins*, p.255.

<sup>61</sup> Brodrick to Violet Cecil, 28 Sept 1899, VMP VM35/C176/45.

to prevent public opinion becoming extreme and demanding massive military preparations. Now that the Cabinet had gained public support for war, they needed success to ensure that this support was not turned against them. Already, the obvious gap between the arrival of the reinforcements and the arrival of the army corps was pregnant with adverse possibilities. If military defeats should occur during that time, then the government would no doubt be assailed for delaying mobilization. This was a possibility perhaps barely sinking into ministerial perceptions as the Boers presented them with their greatest public relations coup on 9 October, when they pre-empted a British ultimatum by tendering one of their own.

## II

With the outbreak of war on 11 October, the British government had apparently achieved its aim of educating public opinion and gaining support for its policy. Serious divisions within the country had been avoided, but although the government had taken risks with the military situation, and often differed seriously with their military advisers, warlike preparations appeared to be sufficient.<sup>62</sup> In all civil and military opinion appeared quietly confident.

It remained to be seen, however, if the military preparations were sufficient. Having cultivated public opinion so assiduously and brought public belligerence to the surface, the government, for its own sake, had to deliver a quick and decisive victory as the price of public support. In fact, in this respect, the Boer ultimatum had done the government a disservice because it had greatly heightened public anger at Boer audacity. Consequently, public expectations demanded the British army deliver a swift punishment, and as a result public opinion became less tolerant and more extreme. This section, therefore, will examine the opening campaign and the affect it had on civil-military relations, as public and official expectations were shattered by a series of military defeats.

In official circles the level of expectation was high. Chamberlain believed the Boers would not attack, but welcomed the prospect of them doing so. He later asked

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<sup>62</sup> Chamberlain to the Queen, 12 Oct 1899, G.E.Buckle (ed.), *The Letters of Queen Victoria*, (London, 1932), III, p.406.

Lansdowne if Laing's Nek might be occupied simply to provoke the Boers into crossing the frontier.<sup>63</sup> Similarly, Wolseley wrote:

I rejoice beyond measure to think war must now come. Come it would most certainly sometime or other, & now is best for us...Buller will, I am sure, end the war with complete success for England.<sup>64</sup>

Public expectation was just as high. Having seen British armies defeat a succession of colonial enemies, the public had no reason to suspect the second war against the Boers would be any different. Prior to the outbreak of war, one commentator believed the Boer threat to be exaggerated, as was Boer confidence derived from the first conflict. He felt there was no basis for thinking a war would be lengthy or costly.<sup>65</sup> The military pundit, Spenser Wilkinson later remarked that his editor on the *Morning Post* suppressed an article in which Wilkinson estimated the Boer forces at 50,000 men. His editor:

shared the almost universal opinion that a war with the Transvaal would be a small affair, resembling the autumn manoeuvres and lasting for a few weeks.<sup>66</sup>

Similarly, as war began, *The Times* stated:

The military situation in Natal is a curious one, but there are no practical disadvantages. The positions held at Ladysmith and Glencoe are the best possible in the circumstances. If the forces there are not at present in sufficient strength to undertake offensive operations, they are ample to repel attack, which is most unlikely to be made, and they will suffice to prevent serious incursions into the territory behind them...<sup>67</sup>

But as the campaign in Natal progressed this optimism appeared misplaced. At the time Natal was the main theatre of operations and it was here the Boers concentrated the bulk of their forces. Hely-Hutchinson actually thought the position of Cape Colony was more serious, 'but fortunately the Boers have a fad about getting Natal & have directed

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<sup>63</sup> Chamberlain to Balfour, 3 Oct 1899; to Lansdowne, 7 Oct 1899, JC 5/5/83, 5/51/88.

<sup>64</sup> Wolseley to Wife, 11 Oct 1899, WP 28/65.

<sup>65</sup> Anon. (C.E. Callwell), 'A Boer War: The Military Aspect,' *Blackwood's Magazine*, 166, (1899), pp.259-265.

<sup>66</sup> H.S. Wilkinson, *Thirty-Five Years* (London, 1933), pp.238-239.

<sup>67</sup> *The Times*, 12 Oct 1899, p.9.

nearly all their energies on this side.’<sup>68</sup> With some 15,000 men in Natal, now that most of the reinforcements had arrived, optimism in London and South Africa was running high: yet the position was far from satisfactory.

As mentioned earlier, the Natal government had been depressed by the news that General Symons was unable to defend the whole Colony. Symons felt that with the 2,000 reinforcements sent in August he could advance north to Glencoe, a move that was eventually sanctioned on 24 September by Hely-Hutchinson. Thus at the outbreak of war, a British force of 4,000 men stood isolated at Glencoe: its nearest support was the 11,000 men (the reinforcements of 8 September and Natal contingents) then assembling at Ladysmith under General White.<sup>69</sup>

These dispositions had resulted from the desire to allay the fears of the Natal government, (although Symons’s overconfidence also had much to do with them). White had expressed his doubts about the position of Symons’s force being so far north without immediate support, but in an interview with Hely-Hutchinson, White was persuaded to leave Symons at Glencoe. The Governor, with whom the Prime Minister concurred, stated that ordering Symons to withdraw would have grave political consequences; it would disgust the loyalists because of the abandonment of more territory and undermine the loyalty of the vast native population who believed in British power.<sup>70</sup>

During the opening phases of the campaign, Hely-Hutchinson continued to bombard White with messages emphasising the fears of the politicians (including himself) at the situation. On one occasion, Hely-Hutchinson feared a Boer raid on Pietermaritzburg and Durban and wanted troops sent from Ladysmith to defend these towns. ‘I think if a successful raid were to take place Her Majesty’s Government would be open to the charge of neglecting to perform a solemn engagement made with Her Majesty’s loyal subjects

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<sup>68</sup> Hely-Hutchinson to Chamberlain, 13 Oct 1899, JC 10/7/114.

<sup>69</sup> Hely-Hutchinson to Chamberlain, (tel.), 13 Sept 1899, CO 179/206/f.273; to Symons, to Milner; Milner to Hely-Hutchinson, (tels.), 24 Sept 1899, WO 32/7863; Hely-Hutchinson to Chamberlain, 29 Sept 1899, JC 10/7/112; (tel.), 30 Sept 1899, CO 179/206/f.450.

<sup>70</sup> Hely-Hutchinson to Chamberlain, (tels.), 10-11 Oct 1899, CO 179/206/ff.606-608. Both Chamberlain and Lansdowne agreed with the decision, CO Minutes, 11 Oct 1899, CO 417/275/f.751. Later, Hely-Hutchinson said White could withdraw Symons’s force if he thought it necessary; White now considered it would do too much harm. Hely-Hutchinson to White, (tels.), 17 Oct 1899, WO 32/7863.



in Natal.<sup>71</sup> Also, a week later, on learning of White's unresponsive attitude, the Governor reiterated his fears about the defenceless condition of Natal's two principal towns. This drew a testy response from White: 'I must earnestly request that pressure may not be put on me to reduce forces here.' White thought the reports of a raid misleading and felt he stood a better chance with his entire force intact, especially as Symons remained at Glencoe.<sup>72</sup> The Colonial Office was perturbed by Hely-Hutchinson's interjections, especially as Chamberlain felt that White alone was responsible for the military situation, and that he should not be pressurised into changing his decisions.<sup>73</sup> As Hely-Hutchinson would not let the matter drop, Chamberlain noted, 'I wish Sir W Hutchinson would leave Gen. White alone. I have given him a hint & if this continues I shall have to give him distinct instructions.' Later, as Hely-Hutchinson became more disturbed by the defensive position, Chamberlain wrote:

I do not like Civil Governors meddling with Military Affairs... The fault is entirely with the military authorities if they listen to civilians *against* their own military judgment. They ought to know that this responsibility is wholly with them.<sup>74</sup>

Undoubtedly, the Colonial Office was becoming aware of the political pressure on White. Perhaps, too, they were conscious that there was a possibility of political pressure being blamed for the poor military situation. On 20 October, Symons had been mortally wounded at the battle of Talana. His successor, General Yule, was forced to abandon Glencoe and retreat to the relative safety of Ladysmith. Eventually, despite minor victories at Elandslaagte and Rietfontein, White's force was cut off and besieged in Ladysmith. On 30 October White attempted to break the Boer siege, but part of his force was isolated at Nicholson's Nek and forced to surrender. By the beginning of November, Natal virtually lay open to the Boers.

White's misfortune completely unbalanced the campaign strategy. Buller, who arrived in Cape Town on 31 October, felt he could not abandon White and some 15,000

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<sup>71</sup> Hely-Hutchinson to White, (tel.), 17 Oct 1899, WO 32/7863.

<sup>72</sup> Hely-Hutchinson to White; White to Hely-Hutchinson, (tels.), 25 Oct 1899, *Ibid.*

<sup>73</sup> CO Minutes, 27 Oct 1899; Chamberlain to Hely-Hutchinson, (tel.), No.2, 27 Oct 1899, CO 179/207/ff.114, 118.

<sup>74</sup> CO Minutes, 29 & 31 Oct 1899, CO 179/207/ff.264, 289. [Chamberlain's italics].

British troops in Ladysmith. Even one of Buller's sternest critics later acknowledged that Buller had little choice but to rescue White's besieged army.<sup>75</sup> As a result, Buller abandoned his plan to invade the OFS and instead divided his forces. Whilst Buller took the bulk of the army corps to Natal, in Cape Colony he left General Methuen to relieve Kimberley, and General Gatacre to prevent the Boers advancing from the strategic railway junction at Stormberg. The British government showed no inclination to interfere in the conduct of operations as confidence in Buller remained high. Even so, Buller's own confidence was waning. On 25 November he had informed Lansdowne that 'Up to date we are still hanging on by our eyelids.'<sup>76</sup> When he arrived in Natal and learned of the strength of the Boer position at Colenso, which blocked the route to Ladysmith, his pessimism increased.<sup>77</sup> Moreover, the actions of his subordinates in Cape Colony did nothing to allay Buller's anxiety. Methuen was defeated at Magersfontein on 11 December, following General Gatacre's defeat at Stormberg the day before. On 15 December, Buller's attempt to relieve Ladysmith failed at Colenso. These three defeats in five days became known as 'Black Week' and were a profound shock to the British public and authorities alike.

As a result of the poor performance of the British army, criticism of the government began to intensify. Wilkinson was particularly scathing. Before the outbreak of war, Wilkinson had highlighted the danger inherent in government policy, principally the two month period between the arrival of the reinforcements and the arrival of the army corps:

The Cabinet has knowingly and deliberately taken upon itself the responsibility for whatever risks are now run. In this deliberate decision of the Cabinet lies the best ground for hoping that the risks are not so great as they seem.

Later he argued that White's task 'was disproportionate to his force' and blamed Lansdowne for his 'unbusiness like way of playing with national affairs.' And on 8 November, Wilkinson entitled one article, 'How weak policy leads to bad strategy.'

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<sup>75</sup> L. Amery (ed.), *The Times History of the War in South Africa 1899-1902* (London, 1900-1909), II, p.286.

<sup>76</sup> Cit. Lord Newton, *Life of Lord Lansdowne* (London, 1929), p.161.

<sup>77</sup> Pakenham, p.211.

Similar attacks by him continued well into the new year and concentrated on the government's, and particularly Lansdowne's, culpability for the military defeats.<sup>78</sup>

Indeed, since White's performance in Natal, public opinion was beginning to turn against the government. Brodrick believed the public was 'going through a great depression,' and ministers themselves sensed this growing climate of disapproval, as Lansdowne felt the necessity to defend the government's diplomatic record and inability to synchronise diplomacy with military preparations.<sup>79</sup> 'Black Week,' in particular, brought forth much criticism of government policy, and also the present military system. Critics such as Major Arthur Griffiths and the ubiquitous Wilkinson blamed the government outright.<sup>80</sup> When ministers attempted to defend themselves, in and outside Parliament, critics rounded on them even more. Balfour, particularly, was attacked for three crass speeches made at Manchester between 8-10 January 1900. In one he stated, 'I don't feel the need, so far as my colleagues and I are concerned, of any apology whatever.' To which *The Times* replied, 'There is need of apology on the part of the Cabinet for serious errors, both in policy and warlike preparation.'<sup>81</sup> Milner was informed that Balfour's speeches had disappointed everyone, more so than the military defeats. 'The nation has simply risen in wrath at the extraordinary superficiality & black ignorance wh[ic]h they have betrayed'<sup>82</sup> Another critic wrote:

Mr. Balfour's speeches show him to have been blind and indifferent to the danger; the plight of our army in South Africa, the half measures, the

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<sup>78</sup> H.S. Wilkinson, *Lessons of the War* (London, 1900), pp.1-47. These are a collection of articles published originally in the *London Letter*. Earlier, his book *British Policy in South Africa* (London, 1899), argued that British democracy was on its trial, involving the 'welfare of South Africa; the unity of the Empire and the character of the nation.' p. 112; also 'On the Art of Going to War', in *War and Policy* (London, 1900), pp.370-393.

<sup>79</sup> Brodrick to Violet Cecil, 3 Nov 1899, VMP VM35/C176/51; Lansdowne's Speech in the Cutlers' hall Sheffield, *The Times*, 3 Nov 1899, p.7.

<sup>80</sup> A. Griffiths, 'The Conduct of the War', *Fortnightly Review*, 67, (1900), pp.1-10; Wilkinson, *Lessons*, pp.103-111; Brodrick thought 'the country is in fire & flame [against] the Govt.' Brodrick to Violet Cecil, 12 Jan 1900, VMP VM35/C176/62.

<sup>81</sup> B. Dugdale, *Arthur James Balfour* (London, 1936), I, pp.304-305. *The Times*, 10 Jan 1900, p.9. Lord Salisbury's attempt to defend the record of the government in the House of Lords was a disaster. P. Marsh, *The Discipline of Popular Government: Lord Salisbury's Domestic Statecraft* (Harvester Press, Sussex, 1978,) pp.294-295.

<sup>82</sup> Gell to Milner, 12 Jan 1900, MP IV/B/213/27/ff.187-188.

manifest hesitations, and the tardiness of the despatch of reinforcements, equally condemn Lord Lansdowne.<sup>83</sup>

As one reviewer pointed out, this criticism of the government found an easy and obvious target in Lansdowne.<sup>84</sup> The war, however, was now becoming a focus for a great many discontents. This owed something to the ministry's own failings before the conflict in South Africa. Up to 1898, they had enjoyed much success on the diplomatic front; but domestically the government had acted without distinction. In 1896, the government had withdrawn their Education Bill, but just before the outbreak of war this issue had surfaced again owing to the Cockerton decision on secondary education. Certain ministers had proved disappointing, particularly White Ridley at the Home Office, and Henry Chaplin at the Board of Agriculture. Recently, historians have argued that the Conservative/Unionist alliance of 1895 remained unimpressed by the size of its majority and did not take success for granted, adding that the Cabinet was pessimistic rather than optimistic. The war against the Boers, in fact, began to unravel the accommodation of interests made by Salisbury to keep the alliance together. As one historian has argued, 'A snapshot taken in 1900, gives a misleadingly favourable picture of the condition, prospects and self-confidence of Conservatism.'<sup>85</sup>

Not surprisingly, given the Unionists' poor performance, the critics singled out the politicians for blame. By contrast the soldiers escaped censure at this early stage. The explanation for this lies in more than political performance. The era of imperial expansion and cheap military victories had militarised British society to a significant degree, and popularised leading military figures. Recent historiography on this subject has identified conduits which led to militarization. These include nationalistic and militaristic style teaching in schools; cadet corps and boys associations; and involvement in the various organizations connected with the army, such as the volunteers and militia. The subject

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<sup>83</sup> An Englishman (H.W.Wilson), 'The Causes of Reverse,' *National Review*, 34, (1900), p.836. See also, H.W. Wilson, *With the Flag to Pretoria* (London 1900), I, pp.205-215. Arthur Griffiths also blamed the government for an inadequate military system in *Fortnightly Review*, 67, (1900), pp.214-223. As did the anonymous writer (the well known soldier, G.F.R. Henderson) of 'The War in South Africa,' *Edinburgh Review*, 191, (1900), pp.247-78.

<sup>84</sup> A Soldier, (W.E.Cairnes) 'Some Reflections on the War in South Africa,' *MacMillan's Magazine*, 81, (1900), pp.313-320.

<sup>85</sup> B. Coleman, *Conservatism and the Conservative Party in Nineteenth Century Britain* (London, 1988), p.200; Also, M. Bentley, *Politics Without Democracy* (London, 1984), p.295; Marsh, pp.247-290.

matter of the music halls also conveyed an influence which heightened the nation's awareness of matters military and the role of the army in expanding the Empire. Evidently, not including those who joined the army before 1881, some 22.42% of the entire male population between the ages of 17 and 40 had some form of military experience. As Blanch suggests, 'we may conclude that powerful pre-war influences helped shaped popular response to the war itself.'<sup>86</sup>

Moreover, expansive coverage of colonial wars by the burgeoning popular press did much to enhance the careers and popularity of successful generals. These great heroes were imbued with an almost infallible quality and were lionised by press and public alike. Wolseley, 'our only general,' was perhaps the most successful and well-known of the Victorian generals, owing to his victories against the Ashanti and the Egyptians. Also, his image as an army reformer did much to endear him to the public as a 'scientific general.' As mentioned previously, Buller was very popular, and when in Natal, the famous correspondent Bennet Burleigh described him as a 'masterly leader of troops...an indomitable man of more than bulldog pertinacity.'<sup>87</sup> Correspondents such as G.W. Steevens, not only helped the careers and reputations of officers like Kitchener, but eulogised the army as the vanguard of British civilization.<sup>88</sup> Moreover, certain officers, notably, Havelock, Gordon and Roberts were exemplified as Christian heroes, and given an 'intense aura of sanctity.' When war broke out in South Africa, Lord Roberts was the most conspicuous example of this type of officer; pious, professional and abstemious.<sup>89</sup>

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<sup>86</sup> Blanch, in Warwick (ed.), p.215. Blanch revises the opinions set out in Price, and in H. Pelling's essay in *Popular Politics and Society in Late Victorian Britain* (London, 1968), pp.82-101. They argued that the working-classes neither supported the war nor took much interest in its course: Blanch suggests otherwise owing to the pre-war influences mentioned above. In fact, his view leans towards J. A. Hobson's thesis expounded in his *Psychology of Jingoism* (London, 1901). For other specific influences see, J. Mackenzie, *Imperialism and Popular Culture* (Manchester, 1986).

<sup>87</sup> Cit. R. Stearn, 'War Correspondents and Colonial War, c.1870-1900,' in J. Mackenzie (ed.), *Popular Imperialism and the Military 1850-1950* (Manchester, 1992), p.148; also J. Mackenzie, Introduction, *Ibid.*, pp.1-24; R.J. Wilkinson-Latham, *From our Special Correspondent. Victorian War Correspondents and their campaigns* (London, 1979), Chapters 4-8.

<sup>88</sup> R. Stearn, 'G.W.Steevens and the Message of Empire,' *Journal of Imperial and Commonwealth History*, 18, (1989), pp.210-231.

<sup>89</sup> A. Summers, 'Edwardian Militarism' in R. Samuel (ed.), *Patriotism. The Making and Unmaking of British National Identity* (London, 1989), I, pp.249-250; 'Militarism in Britain before the Great War,' *History Workshop Journal*, 2, (1976), pp.104-123.

Moreover, Roberts's popularity was enhanced by the universal sympathy accorded to him and his family after the heroic death of his son at the battle of Colenso.

In all, leading generals had become figures of reverence, identified with the best aspects of British civilization. To criticise these men publicly or insinuate their incompetence was a dangerous tactic. Balfour's Manchester speeches in January 1900 hinted at military incapacity and were a major reason for the criticism he received afterwards. Indeed, Wilkinson would not tolerate attacks upon the generals in South Africa as a means of deflecting criticism from the War Office or Cabinet.<sup>90</sup> Given the high esteem of military figures, the government had to face censure alone, even if members such as Balfour, with some justification, felt certain officers were as culpable as the politicians.<sup>91</sup>

### III

The government did have one alternative with which to appease their critics: they could change the command in South Africa. This, however, was a difficult matter, with repercussions that might seriously damage government prestige. If Buller was dismissed outright his immense popularity meant the government might face a tirade of abuse. The politicians would be portrayed as sacrificing a soldier to cover their own mistakes. Buller's predicament was already being blamed on the poor defensive measures initiated before the outbreak of war.<sup>92</sup> The government was perceived as having been too ready to mollify Boer sensitivities and too reluctant to make hard military decisions. The unfortunate Buller was paying the price for political irresponsibility.

Yet despite his defeats Buller's popularity endured. For all his faults as a commander, as the Natal campaign revealed, Buller was still esteemed by his troops as well as the public. Throughout the campaign, his soldiers had been well supplied and

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<sup>90</sup> Wilkinson, *Lessons*, p.122.

<sup>91</sup> Brodrick told Violet Cecil that in a discussion with Balfour the latter 'tremendously blames the soldiers...He thinks they should have advised us of necessity for heavier guns - for a tactical retirement on Colenso at outset.' Brodrick to Violet Cecil, 24 Nov 1899, VMP VM35/C176/54.

<sup>92</sup> An Officer, 'The Government and the War,' *Contemporary Review*, 76, (1899), pp.766-792; Griffiths, 'The Conduct of War,' pp.1-4; Wilkinson blamed the government for Buller's predicament as early as November 1899, *Lessons*, pp.64-66.

looked after, and part of his failing was that he would not expose them to the hardships normally associated with campaigning. As it was, he proved reluctant to starve his men or to incur excessive casualties, both aspects of warfare that often had to be endured in order to obtain decisive results. His reluctance to incur losses, was one of the reasons why he pulled back at Colenso. But, another reason for his popularity was no doubt due to the fact that much opinion regarded his predicament as the fault of the government's bad diplomacy in 1899; that opinion was strong enough to survive the evidence of Buller's incapacity. Whatever the reasons for his popularity the government was fully aware they had to be circumspect in dealing with Buller.

Fortunately for the government, the division of the army into 'British' and 'Indian' sections ensured there was an officer senior to Buller, and with a greater reputation. This facilitated a change of command in South Africa without necessarily demoting Buller. The appointment of Lord Roberts on 18 December 1899, as the new C-in-C(SA), marked the Cabinet's attempt to bring the war to a satisfactory conclusion. In fact, appointing Roberts was the most immediate palliative the Cabinet could offer the country before the opening of Parliament in January. And by so doing the politicians were able to move with public opinion, which appeared to demand the utmost exertion be made to end the war. The sudden rush of volunteering, and the establishment of volunteer bodies like the City Imperial Volunteers testified to the resolution displayed by the British public to finish the war once and for all. By sending Roberts to South Africa the government demonstrated its own commitment to this ideal.

Why, it might be asked, was Roberts not appointed sooner? Roberts was a friend of Lansdowne's from their time in India, and he was also on friendly terms with Chamberlain. But to give Roberts command at the start of the war was virtually impossible. For one, he was considered too old at 67; and for another, his military career had been spent in India, making him unfamiliar with the administration of the home army. Moreover, Wolseley's rivalry with Roberts meant that he would consider anyone but Roberts. As Buller's appointment was well received there was no justification in thinking he might fail. As Roberts was then C-in-C in Ireland, which was practically a retirement post, he appeared to have no chance of assuming command at the outset of war.

Even so, Roberts kept the government aware of his presence and interest. On 20 June 1899, he had informed Lansdowne of his ideas concerning a campaign against the

Boers, adding 'I have marked this Private but you are welcome to show it to any member of the Cabinet if you think it desirable to do so.'<sup>93</sup> Again on 8 December, with the war nearly two months old, Roberts wrote a long letter to Lansdowne explaining his views, this time more forcibly and with more emphasis on personalities than strategy. Roberts was aware of Buller's telegrams from Natal and became concerned at his gloomy assessment of the situation. He noted that Buller seemed weighed down by the responsibility of his command, and again offered his services:

This letter would never have been written, did I not know I could depend from your knowledge of me, that I should not be misunderstood. It is for your eyes alone, unless, after reading it, you think my proposal worthy of consideration, then you are welcome to show it to the Prime Minister, and, if you wish, Mr. Chamberlain.

Roberts asked Lansdowne not to show it to anyone else, especially in the War Office, 'for, impossible as it may seem, I am sorry to say I cannot help feeling they would prefer running very great risks rather than see me in command of a British Army in the field.'<sup>94</sup>

Undoubtedly, Lansdowne would have liked to appoint Roberts, especially given his acrimonious relationship with Wolseley and Buller. But Lansdowne told Roberts that as Buller had made no mistakes, his pessimism was no reason for his replacement. Roberts insisted that one man could not possibly control all the forces in South Africa, given the size of the army and the scale of the operations. Despite Roberts's desire to assume control in South Africa there was nothing Lansdowne could do.<sup>95</sup>

Buller's defeat at Colenso on 15 December, and the subsequent tone of his telegrams to the Ladysmith garrison and the War Office, provided the excuse for Lansdowne to act, and to push the appointment of Roberts.<sup>96</sup> Lansdowne found a willing

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<sup>93</sup> Roberts to Lansdowne, 20 June 1899, RP 110/1/ff.146-149.

<sup>94</sup> Roberts to Lansdowne, 8 Dec 1899, RP 110/1/ff.203-208.

<sup>95</sup> Lansdowne to Roberts, 10 Dec 1899, RP 181; Roberts to Lansdowne, 11 Dec 1899, RP 110/1/ff.210-213. Lansdowne told Salisbury he did not know how Roberts knew so much about Buller's telegrams. He suspected the Lord Lieutenant of Ireland was confiding in him. Lansdowne to Salisbury, 11 Dec 1899, SP LC/f.480.

<sup>96</sup> After the battle, Buller telegraphed Lansdowne and implied he would abandon White. Buller even suggested to White, via heliograph, that he should be prepared to surrender. J. Symons, *Buller's Campaign* (London, 1963), pp.168-170; Pakenham, pp.239-240. Lansdowne later wrote that the confidence of the War Office in Buller had been 'rudely shaken.' Cit. Newton, pp.165-166.



advocate in Balfour, who was the only other high ranking Cabinet minister in London, owing to the start of the Christmas holidays. Balfour agreed with Lansdowne's proposal to place Roberts in overall command, and won Salisbury's acquiescence by appointing Lord Kitchener as Roberts's Chief of Staff. That this moment gave Lansdowne the opportunity for revenge on one of the generals who had betrayed him and his colleagues cannot be doubted. The fact that neither Wolseley nor the Queen were consulted beforehand testifies to the government's determination to impose their own solution to the crisis. On 17 December 1899, Wolseley wrote to Sir Arthur Bigge, the Queen's Private Secretary, informing him that the decision to supersede Buller had been taken without his knowledge and that he still considered Buller the best man for the job. Balfour told Salisbury that he had informed Bigge on the 19th, and once the Queen's objections to her and Wolseley's treatment had been noted, stated 'it was impossible to consult the C-in-C upon such an appointment, as his well known jealousy of Roberts made his advice on such a subject perfectly worthless.'<sup>97</sup>

The respite gained by the appointment of Roberts was real, if only temporary: at last the government had done something right. *The Times* leader remarked:

The action decided upon by the Defence Committee of the Cabinet...will command the warm approval of the British people...No more fitting appointment would have been made, nor was any better calculated to satisfy the public and the Army.<sup>98</sup>

Consequently, the government had found a way to relieve Buller of the responsibility of directing the war. The new situation was in some respects very much as before, with Roberts and Buller taking the roles of Buller and White. Not wishing to risk antagonising public opinion, the government kept Buller on as GOC(Natal), whilst Roberts took overall command in Cape Colony as a second army corps was mobilised and sent to South Africa.<sup>99</sup> Yet there was a certain disadvantage in the appointment of Roberts, something the government did not foresee. Roberts was the government's last hope of

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<sup>97</sup> Lansdowne to Lady A. Roberts, 11 May 1921, RP 181; Wolseley to Bigge, 17 Dec 1899, Buckle (ed.), p.437; Balfour to Salisbury 19 Dec 1899, SP BC/ff.47-51.

<sup>98</sup> *The Times*, 18 Dec 1899, p.9

<sup>99</sup> Buller was informed Roberts was taking command to enable Buller to give the Natal campaign his complete and undivided attention. Lansdowne to Buller, (tel.), 18 Dec 1899, CAB 37/51/93; Buller to Lansdowne, (tel.), 20 Dec 1899, accepting the situation, *Ibid*.

obtaining a quick and decisive victory; consequently they were obliged to back him all the way, despite any mistakes he might make. If Roberts proved unsatisfactory, the government could hardly supersede him. In effect the government had severely limited its options for they would have to sink or swim with Roberts, who, Cincinnatus-like, had been called to save the Empire. The government would be obliged to defer to military exigencies perhaps more than was usual during a campaign. If not, they certainly had to be careful how they dealt with these officers, who were virtually the government's last hope of bringing the war to a speedy conclusion. In effect, Roberts's position was one which reduced the politicians grip on the management of the war, despite the approbation the government had received for appointing him in the first place. However, the impact of that decision in South Africa had yet to be felt, and it was for Milner to face the consequences of that decision. Philip Gell warned of the changed circumstances 'Nobody believes much in them [the government] - except in Chamberlain. They believe in Roberts & in Kitchener, and I truly think in yourself, and acquiesce in the Ministry, so long as it gives Roberts what Roberts wants.'<sup>100</sup> Milner now had to discover how far the alteration to the civil-military balance in Britain, had changed relations in South Africa.

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<sup>100</sup> Gell to Milner, 12 April 1900, MP IV/B/213/27/f.34.

### **CHAPTER THREE.**

#### **THE BATTLE FOR CONTROL:**

#### **1.ROBERTS, MILNER AND THE BRITISH GOVERNMENT.**

**January - December 1900.**

The appointment of Lord Roberts as C-in-C(SA) represented the British Cabinet's last chance to retrieve the poor military situation and gain some credibility from a public deeply concerned about the handling of the war. Everything now depended on Roberts leading a successful campaign because if he failed it was likely the government would fall. In this respect Roberts's appointment placed the government in a difficult position. During the First Boer War, Gladstone's ministry had retrieved a poor military situation by negotiating peace: but the position in 1900 was far worse; the Boers had overrun a substantial portion of British territory and might gain much more from a negotiated settlement. Never before had a Victorian government faced the prospect of such a defeat, and the loss of international prestige this entailed. Consequently, Roberts enjoyed the backing and confidence of the government on a scale few generals had ever received.

Roberts was given *carte blanche*. Lansdowne was quite content to let Roberts pursue his own plan of action, the only criterion being he should meet with success. Lansdowne, however, did not have much choice. His position was particularly vulnerable owing to the criticism directed at the War Office. Both he, and the rest of the government, were to find they had little room to manoeuvre in their dealings with the military. This chapter, therefore, will examine how the ramifications of events in 1899, coupled with the unfolding military campaign of 1900, affected civil-military relations in South Africa and in Britain. The impact of Roberts's operations on relations with the British government, and the government's reaction to those operations has previously been neglected, and its analysis here will give the chapter more balance than earlier accounts of this period. The chapter will deal with the problems created by the expectations of the British government and Milner which were heightened by Roberts's apparently successful campaign; and with the difficulties created by the attempted transition from military to civil government. But, more important still, this chapter will demonstrate that even the combined interests of Milner and the British government were powerless to influence the results of Roberts's strategy.

The chapter contains five sections. The first examines relations between Milner and Roberts, immediately after the latter's arrival in South Africa. It will show how Milner tried and failed to impress on Roberts the need to take note of his concerns regarding the political-military situation in Cape Colony, before and during the first phase of the main campaign. The second part analyses Milner's worsening opinion of Roberts and the military following the establishment of military government in the OFS after its occupation by the British army. The third section deals with civil-military relations affected by the Boers turning to guerilla warfare. The British government became anxious to see an end to the war because of other diplomatic problems, and joined Milner in urging Roberts to take notice of political requirements. The fourth part examines Milner's clash with Roberts over the refugees from Johannesburg and the need to send them back. This was the real nub of the dispute between the two officials, as Roberts continued to give priority to his own needs and those of his army, much to Milner's frustration. In the end Milner lost all confidence in Roberts and called for his recall. The fifth part examines the clash between Milner and Roberts over the size and scope of a new force designed to counter the Boer guerillas. Despite both officials agreeing over the method, they differed over who should command these troops - Milner or the army. This dispute did nothing to enhance Roberts's relations with the British government and eventually, the Cabinet decided to bring Roberts home to supervise new army reforms, and to appoint his deputy, Lord Kitchener, to oversee the guerilla war, and, hopefully, end the contest between political requirements and military necessity.

## I

If Roberts had the blessing of the British government it did not follow that he had the outright confidence of the authorities in South Africa: in particular, Milner had his own ideas as to what the priorities of the British army should be. By January 1900, Milner's immediate concerns centred on the vulnerability of Cape Colony. Buller, by taking the bulk of his army to Natal, had denuded the Cape of troops, leaving the area exposed to a Boer attack and a possible rebellion by disaffected Afrikaners. Both in fact had occurred, although the advance of OFS commandos had stalled owing to their own inertia. As a result, the rebellion was confined to areas under Boer occupation, but the

possibility of it spreading could not be discounted. When General Gatacre was defeated at Stormberg on 10 December Milner became seriously alarmed about the military situation. He expected the Boers to advance any moment and increase the extent of the rebellion.

Ending the conflict in Cape Colony was Milner's immediate priority, and to that end he interfered in matters that were not his responsibility. He forwarded his own views when not called for, and stated how tasks ought to be accomplished. Milner showed his complete distrust of the military because their priorities did not match his own. Milner frequently interpreted differences between his views and those of the soldiers as evidence that the latter misunderstood the nature of Cape politics and society. Milner himself felt no respect for the current Afrikaner Bond government and questioned their loyalty. Nor did he trust the Afrikaner population generally, even those who had not joined the rebellion: to Milner they were all irredeemable. In such circumstances, he felt the actions of military men, uninformed by political insight, were potentially dangerous and guidance was therefore essential.

Milner's views were influenced significantly by his own recent experience. He had already been frustrated and angered by Butler's intransigence, by his apparent inability to see what for Milner was the obvious truth of the situation. In working with Butler, Milner had experienced the difficulty of dealing with a military mind totally distanced from his own. In the short time he liaised with Buller, Milner had again faced military intransigence, although not on the same scale as that displayed by Butler. Buller had failed to see that the main priority was Cape Colony, which was virtually defenceless and rebellious. Milner's frustration was evident when he summarised events for Chamberlain and sought to justify his own predilection for interfering in military decisions. Milner was exasperated by the conduct of military operations, although he explained he had not interfered in any matters that were purely military. But he then asked, 'What is purely military in this country?'

Every military movement is so dependent upon political conditions and forecasts, that there can be no sound strategy without taking these into account. And also I am compelled to warn, suggest, remind - to worry, in fact, the soldiers in 100 ways...without as much result as might be hoped.<sup>1</sup>

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<sup>1</sup> Milner to Chamberlain, 27 Dec 1900, JC 10/9/76.

Thus by denying any demarcation between military and civil requirements in Cape Colony, Milner attempted to justify his past interference and that of the future.

Perhaps Milner's frustration was exacerbated by the fact that his titular title of Commander-in-Chief no longer applied while the country was at war. In some cases it might be justifiable for civilian authorities to question military decisions; but there was a fine line between what might be considered proper questioning and blatant interference. Milner's actions verged on the latter, causing annoyance to the military and disquiet in the British government. The British authorities were particularly vulnerable at that time to criticisms of political interference and poor judgement. A recently published Blue Book,<sup>2</sup> containing the correspondence between White and Hely-Hutchinson on the disposition of troops in Natal at the outbreak of war, revealed how the political authorities had interfered and limited White's options. The British government could not afford to be tarnished by a similar indictment. As a result Chamberlain rebuked Milner for his apparent interference. He explained:

that in my view it is the duty of the Governors of the Cape and Natal to inform the military authorities of the political situation, but that the entire responsibility for military operations rests with the latter, and they must disregard the political question if the exigencies of the military situation require it. I do not want them to say that they were pressed to take a particular course which their own judgment rejected. The question has arisen in regard to the retention of Glencoe and Ladysmith, but it may arise in other forms if we are not careful...<sup>3</sup>

But as Milner, who was insensitive to these criticisms, endeavoured to place his own mark on military operations, he began to discover how difficult it was to cajole the soldiers, and how earlier civil-military difficulties had restricted his room for manoeuvre.

With regard to future strategy, Milner had definite ideas that he was eager to impart to Lord Roberts. He wanted to see a large force deployed in Cape Colony, to defend it from the Boers and to deter rebellious Afrikaners. Outside the areas occupied by the Boers, the Afrikaners had proved reluctant to join the rebellion and it was clear that only a disaster of the greatest magnitude would provide the spark for a general uprising, but Milner remained apprehensive. Initially, he had felt that the fall of Kimberley

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<sup>2</sup> *Correspondence Relating to the Defence of Natal*, PP(1900), LVI, Cd.44, pp.22-26.

<sup>3</sup> Chamberlain to Milner, 20 Jan 1900, Headlam, II, p.58.

would provide that spark.<sup>4</sup> As Kimberley had held out, Milner's fears abated until the defeats of 'Black Week': then he explained to Chamberlain, 'The opportunity is golden, the incitement incessant.'<sup>5</sup> Again, the rebellion Milner feared so much did not materialise, yet even with the arrival of Roberts and Kitchener, his anxiety persisted.

Although Milner was pleased that Roberts and Kitchener had arrived and had begun to take control of matters, he nevertheless considered he could not remain silent on issues upon which he felt deeply. As he told Selborne:

there are political considerations which have a direct military value. For instance I have bothered, and shall continue to bother, every General, to prevent at almost any cost, the further spread of invasion in the Colony. Why? Because the Colonial Boer is the enemy's only Reserve. They have got their last man and boy in the field. Let them at once get into the heart of the Colony, even with a mere handful of men and a flag, and they tap that Reserve, and get certainly 10,000, and perhaps, even 15-20,000 excellent recruits.

Milner felt that a few troops stationed near what he termed 'points of entry' would be enough to deprive the Boers of this strategic reserve. 'But that is not Politics, though it looks like it. It is Military Arithmetic.'<sup>6</sup> Milner's somewhat self-contradictory note revealed the extent of his agitation and frustration. The day after Roberts's arrival in Cape Town, Milner was already sending him advice about the current situation in Cape Colony, and of the necessity of keeping the Afrikaners quiet. This advice ranged from arming loyalists, to removing arms and ammunition from certain districts, and to buying up all horses and fodder.<sup>7</sup>

The soldiers, however, seemed to have no qualms about the security of Cape Colony. Roberts was prepared to allay Milner's fears to some extent; he sent the 6th Division to unsettled areas, but as he told Lansdowne, the hesitation and reluctance, or inability, of the Boers to follow up their victories had lessened the seriousness of the situation in the Colony.<sup>8</sup> In any case, Roberts had already decided on the strategy he

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<sup>4</sup> Milner to Selborne, 18 Oct 1899, *Ibid.*, p.24.

<sup>5</sup> Milner to Chamberlain, 27 Dec 1899, JC 10/9/76.

<sup>6</sup> *Ibid.*, 17 & 31 Jan 1900, JC 13/1/2, 7; to Selborne, 31 Jan 1900, Boyce (ed.), p.100. [Milner's italics].

<sup>7</sup> Milner to Roberts, (tel.), 11 Jan 1900, WO 105/19/T38/3.

<sup>8</sup> Roberts to Lansdowne, (tel.), 12 Jan 1900, WO 105/31/ff.10-14.

would pursue, having planned his operations on the voyage to South Africa with Kitchener and his Chief Intelligence officer, Colonel G.F.R. Henderson. It was decided that the main advance would take place along the western railway and not along the central lines from Port Elizabeth and East London. By so doing, Roberts could relieve Kimberley and, by abandoning the railway, invade the OFS from an area the Boers had thought safe owing to the British army's normal reliance on a fixed supply line.<sup>9</sup> But this strategy also meant that few troops would be spared for the defence of Cape Colony.

Milner was plainly aware of this and felt Roberts had forgotten the danger of rebellion. Milner believed that once Roberts's army had moved north there would be an uprising along the lines of communication. He added, 'The danger in the Colony is absolutely ubiquitous. There is no part of it, in which the Dutch population are not rebels at heart, and would not rise against us if they saw a chance.' He then suggested that Roberts should leave behind a mounted force which could quickly stamp out the first signs of rebellion.<sup>10</sup>

Roberts reply was immediate, and perhaps showed that he was anticipating such a response. It also showed that Roberts would not tolerate any interference from Milner: his priority, he explained, was to defeat the Boer forces in the field. No doubt Roberts was aware of the criticism levelled at the government and knew he had to obtain quick results. Just as importantly, the military situation had to be remedied for its own sake. The besieged towns were suffering and Cape Colony was ripe for revolt; but Roberts believed these difficulties could only be eased by a succession of battlefield victories. Also, the army itself needed these victories to restore its own self-esteem:

A serious rising in the Cape Colony is a problematical danger, while the fall of Kimberley and Ladysmith, which is inevitable unless these places can be relieved at an early date, would produce a far reaching effect not only on the inhabitants of South Africa, but on the prestige of the British Army and on the prospects of the war.<sup>11</sup>

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<sup>9</sup> Roberts had considered this strategy as early as 1897 when he discussed the matter with Henry Wilson and other officers. B. Collier, *Brasshat. A Biography of Field-Marshal Sir Henry Wilson* (London, 1961), p.43.

<sup>10</sup> Milner to Roberts, 4 Feb 1900, CO 48/545/ff.480-486.

<sup>11</sup> Roberts to Milner, 5 Feb 1900, CO 48/545/ff.487-491.



Roberts felt he had to take the risk because, as he explained to Lansdowne, '...the only chance of bringing the war to successful conclusion is to carry it into the enemy's country.'<sup>12</sup>

Chamberlain was disappointed by Milner's obvious disregard of earlier advice. He noted on the receipt of this correspondence that Milner was intruding in an area for which he was not responsible, and began to think Milner would need a strong hint in order to stop his interfering.<sup>13</sup> What began to emerge was a divergence of opinion between the civil authorities in London and South Africa. Chamberlain was conscious of the need for Roberts to allay the criticism directed at the government; not only was the government in need of encouragement, so too was the British public. Milner's parochial and, as Roberts pointed out, problematical concerns clearly paled before the needs of the British government and people. Milner, it seemed, remained unconscious of Chamberlain's difficulties.

Milner, however, appeared vindicated by a rebellion at Prieska, in western Cape Colony, following the appearance of a Boer commando, and emphasised that Schreiner, the Prime Minister, was also greatly perturbed by this fresh outbreak of rebellion.<sup>14</sup> Milner was apparently trying to provoke a response from Roberts. In this he succeeded; Roberts sent a small force under Colonel Adye to deal with the Boers and rebels. He told Milner, however, somewhat exasperatedly, that the eastern and midland railways were more important to his operations than chasing rebels, implying that he would not give the Prieska rebellion much consideration.<sup>15</sup> Almost simultaneously, both officials appealed to their respective superiors in London, no doubt preparing the ground should the situation develop into a trial of strength. Whereas Milner called for more troops to be sent to South Africa, which in itself was an oblique way of saying Roberts was not doing much to alleviate the crisis, Roberts was more direct. He made it clear to Lansdowne that Milner was making a nuisance of himself. Although he said he was doing everything to meet Milner's wishes, '...I feel that the one thing which will put an end to the war is to

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<sup>12</sup> Roberts to Lansdowne, 5-6 Feb 1900, RP 110/1/ff.356-360.

<sup>13</sup> CO Minutes, 2 March 1900, CO 48/545/f.475.

<sup>14</sup> Milner to Roberts, (tel.), 18 Feb 1900, CO 417/286/f.462.

<sup>15</sup> Roberts to Milner, (tel.), 21 Feb 1900, WO 105/34/8.

advance in strength in the Orange Free State, and that everything must be sacrificed to that end.’<sup>16</sup>

For the moment, with the battle of Paardeberg underway, neither Chamberlain nor Lansdowne reacted, but Milner’s anxiety continued to get the better of him. A series of letters between 4 and 7 March showed how the rebellion in the west was affecting his peace of mind. He ignored the fact that by then the battle of Paardeberg had been won. Such was Milner’s preoccupation with events in Cape Colony that he urged Forestier-Walker to send troops to General Settle, who now commanded operations in the Prieska district, without, at first, reference to Roberts. Milner had convinced himself Roberts could not move north until the rebellion had been crushed. Roberts refused to share Milner’s anxiety as his operations in the OFS were proceeding apace. But a setback on 6 March, when Colonel Adye was defeated at Houwater, only exacerbated Milner’s tension. This time he urged Roberts to allow Forestier-Walker complete latitude in sending extra troops to the area.<sup>17</sup> Milner’s frustration was evident. He felt everything had been hurried for the sake of Kimberley and Ladysmith, and felt that 500 men encamped at Prieska beforehand would have deterred rebellion.<sup>18</sup> Chamberlain, however, remained unsympathetic. He was not impressed by Milner’s constant anxiety and was concerned lest Milner’s actions should become general knowledge in Britain. ‘I have warned Sir A. Milner’, he noted, ‘& he must take sole responsibility of intervention when it does not seem to be called for from the Civil Power.’<sup>19</sup> In the end, Roberts let Kitchener oversee operations, which had the happy result of deflecting Milner’s interference at Kitchener. Milner advised Kitchener that columns moving against the Boers should be not less than 1,000 men strong. Happily, Kitchener replied that the Boers had left the area and were moving north.<sup>20</sup>

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<sup>16</sup> Milner to Chamberlain, (tel.), 22 Feb 1900, CO 48/545/f.640; Roberts to Lansdowne, 22 Feb 1900, RP 110/2/150.

<sup>17</sup> Milner to Roberts, (tels.), 4 & 7 March 1900; Roberts to Milner, (tel.), 5 March 1900, CO 48/545/ff.792-795.

<sup>18</sup> Milner to Chamberlain, 8 March 1900, Headlam, II, p.67.

<sup>19</sup> CO Minutes, 29 March 1900, CO 48/545/f.790.

<sup>20</sup> Milner to Kitchener; Kitchener to Milner, (tels.), 9 & 10 March 1900, CO 48/545/ff.909-912.

For the time being Cape Colony remained quiet. Roberts's successful advance through the OFS had deprived potential rebels of an important precondition for active rebellion - a Boer commando. Roberts's strategy had worked, removing much of the justification for Milner's fears of a disastrous uprising in the weakly defended areas outside the main British advance.

In his early dealings with Roberts in 1900, Milner had thus found that his views had little power to affect the military situation. Roberts had been appointed as C-in-C(SA) under extraordinary circumstances, not to help Milner but to retrieve a war going badly wrong and to get the British government out of a dangerous political predicament. Milner had great difficulty in getting his opinions accepted by the military; but it seemed Milner could not accept he was no longer the paramount official in South Africa. His priorities did not match those of Lord Roberts, nor those of his superiors in London. Milner's attempts to persuade the British authorities that the problem in Cape Colony was a political, as much as a military one, failed. In the end, Roberts's victories provided a welcome tonic to both the British government and people, which enhanced his authority in South Africa and his popularity.<sup>21</sup> Consequently, Milner was marginalised: all he could hope for was that Roberts would finish the war quickly and allow him to put into practice the ideas that he had been formulating ever since the beginning of the war, if not before.

## II

Roberts's advance into the OFS and the capture of Bloemfontein on 13 March meant the war would be waged in the Boer republics. From then on, his army made a steady advance into enemy territory, conquering the OFS (it was annexed on 24 May 1900) and then invading the Transvaal. Unable to face the British in open warfare, the Boers continued the conflict by launching guerilla attacks on railways and telegraph lines; the longer they persisted in this style of warfare the more adept at it they became. What also became apparent was the inability of the British forces to stop Boer raids, which led

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<sup>21</sup> Brodrick wrote that 'Still everyone even the least initiated have felt the change to Roberts, who will return the greatest British Hero of the century since Wellington.' Brodrick to Violet Cecil, 16 Mar 1900, VMP VM35/C176/72.

to increasing frustration on their part. It also encouraged suspicions that the war might last longer than anticipated. As the nature of the war deteriorated the relationship between Milner and Roberts soured. Milner found great difficulty in accepting the methods chosen by Roberts to settle the OFS, which merely reinforced his already low opinion of the military.

During his campaign, Roberts had two main priorities. First, to ensure his lines of communication were secure in order to facilitate the advance north; and secondly, to occupy the leading centres of the OFS as this would be the most visible sign of British success. The post-war settlement was not his concern; that was for the politicians to sort out. His task, therefore, was to defeat the Boer field-armies and demonstrate the fact that the Boer republics had been absorbed by the British Empire. Roberts understood that the administration of conquered territory could not be undertaken by the military alone, except perhaps while operations lasted. On 15 March he issued a proclamation which offered lenient terms to OFS Boers who laid down their arms and went back to their farms, having signed an oath not to participate in the war again. This proclamation supplemented one made just as Roberts entered the OFS, which made clear that the British had no quarrel with the people, only their government. As far as Roberts was concerned the OFS had lost the war and should now surrender; leniency was to be his method of facilitating this.

Leniency, however, did not have the desired effect. Although many Boers chose to surrender, substantial numbers did not. And as the British were unable to protect those who returned to their farms, those still on commando easily induced them to renew the fight. Meanwhile, the Boers increased the scale of their attacks on the British lines which affected the British war-effort noticeably. On 31 March and 4 April, isolated British forces were defeated or forced to surrender at Sannah's Post and Reddersburg. Milner felt anxious that nothing was being done to discourage or prevent those who had taken the oath from rejoining their comrades. For once, Roberts was not annoyed by Milner's interference as he admitted, 'I am delighted to find...that your views and mine are in accord.' Roberts had in fact begun to inflict harsh penalties on oath breakers, sentencing one offender to one year's imprisonment and confiscating his property. He had also taken up Milner's suggestion about dividing the country into military districts, in which a governor would disarm the Boers and remove their horses. Roberts hoped the governor's

would be able to ascertain who were 'for and against us' and hoped that the country would settle down.<sup>22</sup>

As an extra measure, Roberts advocated the early annexation of the OFS, which would allow him to set a date after which Boers still on commando would lose their property. Roberts felt that many would return home once it was clear President Steyn would not be allowed to return.<sup>23</sup> Roberts reiterated the point again five days later stating that the OFS Boers longed for peace and would accept defeat when assured the British would not leave the country.<sup>24</sup> Roberts was too optimistic and it is difficult to know how he arrived at the view that the OFS Boers were desperate for peace. Undoubtedly Roberts was concerned about the condition of his army, and in particular its inability to police the whole country owing to numerical weakness. If his forces were split simply to protect the Boers who had surrendered then his chances of invading the Transvaal would be slim. Roberts's prime concern was to occupy the Boer republics, and to bring the war to an end in a conventional way. Consequently, he was ready to resort to expedients that might facilitate a speedy conclusion to the war in the OFS without denuding his army of men.

In this respect Roberts shared the same view as Milner, the only difference being that Milner wanted to see signs of a permanent settlement, and not something that appeared hasty and ill-thought out. This was evident in May when he made plain his concern about Roberts's tactic of letting surrendered Boers go back to their farms, and argued it was ill-conceived. Milner felt that only those who lived in areas under the complete control of the British army should be allowed to return home. Otherwise, those living outside those areas should be sent to heavily guarded camps and only allowed back once the country had been truly pacified. Furthermore, Milner advocated warning those surrendering and who lived in unsecured districts, that they would be placed in custody until the military authorities thought it safe for them to return. Milner was anxious lest

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<sup>22</sup> Roberts to Milner, 30 April 1900, MP IV/A/175/ff.20-21.

<sup>23</sup> *Ibid.*, (tel.), 4 May 1900, WO 105/34/C1470.

<sup>24</sup> *Ibid.*, (tel.), 9 May 1900, *Ibid.*, C1532.

the Boers should claim breach of faith when surrendering under the proclamation of 15 March and that they had not been given any warning.<sup>25</sup>

Milner was becoming very pessimistic about the end of the war and felt it would not finish early. 'The present trend of events seem rather to point to a prolonged guerilla warfare in the outlying districts.'<sup>26</sup> His discouragement, however, was not shared by Roberts to the same degree. Roberts was clearly aware that the military situation was unfavourable, but felt his ideas should be given a chance. He was, therefore, unsure about sending surrendered Boers to camps; by so doing, Roberts felt the British would merely confirm Steyn's and the Transvaalers views, as they were telling the OFS Boers that anyone who surrendered would be sent out of the country as prisoners. While Roberts assured Milner that everything would be done to deprive the Boers of arms and horses, he added that those who surrendered knew the risks, and knew also that the British could do little to reduce them. As it was, those who surrendered and lived outside the zone of occupation would not be allowed to return until the country had been cleared. Up to that point some 400 men had surrendered and Roberts felt the present policy was worth persevering with.<sup>27</sup>

Milner was dismayed that Roberts believed Boer professions of war-weariness. 'In most cases all it means is that they want a rest and look at their families & property.' Milner hoped that names of those returning were being collected and swift punishment meted out to those who broke their oath.<sup>28</sup> Milner though remained unconvinced: in his view, too many surrendered Boers were falling prey to the commandos, whilst the motives of those who surrendered remained questionable. But while Roberts claimed to have obtained results, albeit of a limited nature, Milner could only remain on the sidelines without being able to influence the course of events. This was a trying time for Milner.

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<sup>25</sup> Roberts to Milner, (tel.), 14 May 1900; Milner to Roberts, (tels.), 14 May 1900, CO 417/290/ff.35-38. Colonel Brabant suggested that surrendered Boers be sent to the Cape for safe keeping; Milner agreed in principle but wanted these Boers kept in secure areas in the OFS, to emphasise British protection. In August 1900, the British authorities seriously contemplated the use of concentration camps. S. B. Spies, *Methods of Barbarism: Roberts, Kitchener and Civilians in the Boer Republics* (Cape Town, 1977), p.47, 147-153.

<sup>26</sup> Milner's Diary of Events, 10 May 1900, CO 417/290/ff.83-84.

<sup>27</sup> Roberts to Milner, (tel.), 15 May 1900, WO 105/34/C1622.

<sup>28</sup> Milner to Roberts, (tel.), 17 May 1900, CO 417/290/f.213.

Roberts's policy was not a clear demonstration of British power, and nothing was being done to make the British occupation a reality. British forces were too few to be seen everywhere, and where they were seen they were too weak to offer any real protection: the country was not being settled in either a permanent or systematic manner. All Milner could hope was that oath breakers would be punished severely, and their punishments well publicised. It was with some misgivings, therefore, that Milner received Roberts's assurances that everything was being done to disarm the Boers, that they were tired of the war, and that announcements of annexation and other proclamations would be enough to induce the Boers to surrender.<sup>29</sup>

On 24 May 1900, the OFS was formally annexed and four days later became known officially as the Orange River Colony (ORC). If Roberts hoped the Boers would consider the war to be over, then he was mistaken: the proclamation was ignored. On 1 June, therefore, a proclamation was issued which stated that citizens of the former OFS still fighting would be treated as rebels and punished accordingly if they had not surrendered within two weeks. This measure revealed that British efforts to end the guerilla war were becoming desperate. On 31 May, a battalion of the Imperial Yeomanry was captured by the Boers at Lindley; on 7 June, De Wet's forces overwhelmed three garrisons in succession (at Rhenoster River, Roodewal and Vredefort). These disasters were symptomatic of the problems facing the British. At Lindley, a British force had occupied the town but had insufficient men to garrison it, and had left it empty after marching on. The Imperial Yeomanry had then marched in thinking the main force still there, only to find an overwhelming force of Boers had got there first. The need for troops was so great that various towns were evacuated at times to provide them; places such as Smithfield, Wepener, and Rouxville were all abandoned despite having been considered important earlier.<sup>30</sup> The basic tactics used against the Boers hardly changed during Roberts's command. Columns of troops, overladen with transport and supplies, would attempt to pursue the more mobile Boer commandos. They would march into a town, march out again only for the Boers to reappear soon after. Sometimes, small garrisons would be left, but they often proved unable to withstand a determined Boer attack, as the

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<sup>29</sup> Roberts to Milner, (tels.), 19 & 23 May 1900, WO 105/34/C1715, C1779.

<sup>30</sup> F. Maurice & M.H. Grant (eds.), *History of the War in South Africa 1899-1902*, (London, 1908), III, pp.105-106, 115-116, 470-71. (The Official History).

actions at Roodewal and Vredefort demonstrated. Roberts never had enough men to provide for the columns, his field army and for permanent garrisons. As a result it proved almost impossible to protect those who had surrendered. The situation was so desperate that some of the generals began to fall out amongst themselves.

The Military Governor of Bloemfontein, General Pretymann, was in dispute with the GOC(ORC) General Kelly-Kenny, over who was responsible for the pacification and general administration of the occupied areas. Pretymann, who dealt with the civil side of the occupation and whose subordinates were the civilian District Commissioners, was in communication with both Milner and Roberts. Consequently, he kept Milner informed about the problems he faced in dealing with the 'military' Kelly-Kenny, who was directly responsible to Roberts, and the trouble caused by Kelly-Kenny's officers who clashed incessantly with the District Commissioners over the administration of the occupied areas.

Milner was aware that the military authorities appeared to be acting high-handedly, as he had already received complaints about their conduct; evidently, officers were seizing stock without due reason, or purchased stock with 'chits' which were impossible to redeem promptly.<sup>31</sup> Surprisingly perhaps, Pretymann confirmed that Milner's enquiries were true. Officers were seizing stock without care or attention, 'I must, however, tell you that I have been greatly handicapped by the unnecessary interference of certain general officers in my administration of the more settled districts.' Pretymann did not elaborate, but explained he was writing to Roberts about 'chits,' so they could be redeemed quickly, and would not honour those presented by speculators.<sup>32</sup>

For Milner, all this was plain evidence that the military were incapable of sustaining a coherent and systematic administration. If the soldiers were falling out amongst themselves within the limited areas they had apparently pacified, what hope was there that they could succeed in bringing the rest of the region under military control, and if the situation in the ORC was to be the standard by which Lord Roberts and his officers operated then the prospects of a swift pacification of the Transvaal looked bleak. Milner had plans for the Transvaal and he was unprepared to stand idly by while the military went chasing after Boers, without achieving any results.

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<sup>31</sup> Milner to Pretymann, 20 June 1900, Headlam, II, pp.133-134.

<sup>32</sup> Pretymann to Milner, 26 June 1900, MP IV/A/173/ff.17a-19. For the acrimonious correspondence between Pretymann and Kelly-Kenny, and Roberts reprimand of Pretymann see, RP 57/ff.24-51 & 111/3/989.



### III

On 27 May 1900, Roberts's army crossed the river Vaal and began the invasion of the Transvaal. In response the Boers attacked Roberts's lengthening supply lines, garrisons and railway and telegraph communications. These attacks did nothing to harmonize the relationship between Milner and Roberts. Nor did they improve Roberts's relations with London. The reputation of the British government had been saved by Roberts's victories, although not enough to shake off all criticism. Moreover, events elsewhere in the world presaged a possible clash with other European powers, and reawoke critics who became concerned at the over extension of Britain's military resources, most of which were in South Africa. This combination of foreign and imperial crises also began to undermine Cabinet cohesion, as certain departmental heads pressed for a greater consideration of their interests. Consequently, as the war in South Africa dragged on, so the government became more anxious.

A notable effect of the various crises was the drawing together of Milner and the British government. Earlier, their interests had diverged over Milner's interference with Roberts's strategy; but as the British army entered the Transvaal their interests began to coincide. Yet both had different reasons for this convergence. Milner wanted a change in tactics to defeat the Boers and a change in strategy to permit the effective administration of the conquered areas. On the other hand, the government wanted to see immediate results to save money and to divert resources to other crises. Each then had their own particular reasons for wanting the war to finish quickly. Yet what they found, despite the convergence of interests, was great difficulty in trying to impose civilian interests in the face of military exigencies. While Milner's and the government's concerns appeared similar, they were not close enough to ensure a collective approach against the military conduct of the war. As a result they were unable to influence Roberts when they felt the war was going badly.

At first Lansdowne had acquiesced in Roberts's attempt to treat the Boers leniently. However, as this policy had not succeeded in abating the guerilla war, Lansdowne told Roberts that:

experience has shown that your confidence has been grossly abused & you will be supported if you insist on thorough going measures for disarming

the suspect part of the population, and if you inflict stern retribution where unfair advantage has been taken of your clemency.<sup>33</sup>

Lansdowne, and no doubt the government, were anxious about the lack of results. After all, Roberts's army had been in the ORC for about three months and had effectively defeated the Boer army. By 6 June 1900, both Johannesburg and Pretoria had fallen (31 May and 5 June respectively) and ministers sensed that the war might soon be over; in fact some of them were already discussing the possibility of troop withdrawals. Lansdowne, however, felt it was too early to begin taking troops from South Africa, or to stop sending drafts there either. As he told Salisbury, 'Until we can form an estimate of the amount of opposition still to be encountered, it would...be unwise to relax the pressure.'<sup>34</sup>

The fact that the campaign had still to be concluded in its conventional form assisted Roberts in his dealings with the civil authorities. He believed Boer opposition was insubstantial. The armies of the former republics now appeared to be operating separately, and these were inconsiderable in number. The war in the Transvaal, like that in the ORC, was now turning into a guerilla war, but Roberts was confident it would not last long in that form. He admitted the commandos were a nuisance, threatening railways and telegraph lines, but believed he had been right to advance on Pretoria and would be 'greatly disappointed if our being here does not result in the war being soon brought to a conclusion.'<sup>35</sup>

Looking at the problem from a conventional military point of view, Roberts, like many others, believed that the capture of the visible symbols of Boer nationhood would be enough to terminate the war. Roberts was not alone in thinking the Boers prized their towns and particularly the goldfields. For example, in June 1899, Major Altham had stated that the Boer was no longer a simple nomad:

The wealth in the land has excited him; the taint of corruption has reached him; his hopes and desires for favours in the shape of railways, personal loans, or good bargains are concentrated in the official offices at Pretoria or the markets of Johannesburg, and not a few of the old Boers are taking

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<sup>33</sup> Lansdowne to Roberts, 19 May 1900, RP 34/f.373.

<sup>34</sup> Lansdowne to Salisbury, 6 June 1900, SP LC/ff.556-557.

<sup>35</sup> Roberts to Lansdowne, 7 June 1900, RP 110/3/538.

up a permanent residence in Pretoria to watch over their own interests on the spot, leaving their sons to take care of the farms.<sup>36</sup>

There were good reasons, therefore, for Roberts to capture key population centres. If Roberts hoped the Boers would stand and fight for their towns then he was disappointed, because they were abandoned without a struggle. Even without the luxury of a set-piece battle, Roberts could still reasonably hope that the capture of the towns would weaken Boer morale to such an extent that they would offer terms. This revealed however his inability to comprehend the nature of the enemy he was fighting.

Yet he had no real reason to suppose the guerilla war might be protracted. In any case, Roberts could not admit it would be, or that it would cause undue difficulty. Roberts obviously had confidence in his own ability and, perhaps more importantly, had a reputation to maintain as well. Moreover, it must be remembered that even after the fall of Pretoria, General Botha had kept the Transvaal army in being, and despite its numerical weakness it still represented the military power of the Transvaal. As this army remained astride the last railway link with the outside world it could still hope that some form of help might arrive. Until the Boers had been completely cut off from the outside world, Roberts still had room for optimism because once Botha's forces were defeated, the Boers might finally recognise the hopelessness of their cause and surrender. For all Roberts knew, the existence of Botha's army might have been the one factor that kept the guerilla bands operating; once they knew of its defeat then they too might finally see that all was lost. Thus it was for these reasons that Roberts kept a bold front when corresponding with the government, and until the defeat of Botha's army the government could at least appreciate why Roberts could not comply with their wishes.

It was not long before Roberts's confident tones became more gloomy. Roberts began to realise that his forces could not defeat the guerillas and march to the Mozambique frontier at the same time. This became more apparent after Lansdowne telegraphed Roberts on 22 June. Lansdowne revealed that the international crisis arising from the Boxer Rebellion in China was causing the Cabinet great anxiety. He still believed it was too early to begin reducing the army in South Africa; but felt Roberts

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<sup>36</sup> Memo. by Altham, 3 June 1899, WO 32/7844/079/8501.

should keep the matter under consideration, especially when peace was assured.<sup>37</sup> Roberts, however, did not think any troops could be spared until September; the Boers were active against the lines of communication and it was taking time to get counter-measures, in the form of mounted columns, ready and active. Meanwhile, the Boers were destroying bridges and culverts at will.<sup>38</sup> This last communication was shown to the Cabinet, which confirmed they were now taking a greater interest in the day-to-day conduct of the campaign. Whether Roberts was aware of this is uncertain, but he seemed to have regretted his less than cheerful note of 24 June because four days later he was more optimistic as he stated, 'beyond cutting the telegraph wire and destroying a culvert here and there, I doubt their being able to do us much harm.' He did acknowledge, however, that British difficulties elsewhere were giving fresh impetus to the Boer military effort.<sup>39</sup>

Roberts obviously realised there was no advantage in being pessimistic about the guerilla war; after all he had accused Buller of undue pessimism. Roberts had to be careful to ensure he presented a balanced version of events to the government. If he admitted he could not stop the guerilla war, or minimise its effects, then he would seem to have failed. Conversely, he could not present too rosy a picture otherwise the government might insist on taking some of his troops, when he was barely able to fight the guerillas and the conventional war. As it was, Roberts appeared to have succeeded in this balancing act because the government did not insist he make a definite statement on the condition of the campaign.

Before Roberts could embark on the final campaign, however, he had to build up his supplies and rest his men. Not surprisingly, the attacks on his communications began to affect adversely the speed with which this could be achieved. Consequently, Roberts's methods of dealing with the commandos, and those who aided and abetted them, became more drastic. This change in tactics reflected the failure of the policy of leniency, and the fact that the commando raids were becoming more than just a nuisance. As a result, on 16 and 19 June 1900, Roberts acknowledged this failure with the issue of two

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<sup>37</sup> Lansdowne to Roberts, (tel.), 22 June 1900, WO 105/30/f.318.

<sup>38</sup> Roberts to Lansdowne, (tel.), 24 June 1900, CAB 37/54/144.

<sup>39</sup> Roberts to Lansdowne, 28 June 1900, RP 110/3/606.

proclamations (nos 5 & 6) aimed against the guerillas. The main clauses stated that property in the vicinity of a Boer raid was liable to be destroyed as it was deemed to have harboured the culprits, and civilians would be used as hostages on trains in order to prevent the destruction of the railway. The latter clause was not used much at first owing to the outcry it provoked in Britain, but in July, as the raids increased Roberts reactivated it. However, George Fiddes, Roberts's Political Secretary, objected to this policy stating it was unproductive because it was an inducement to the Boers to blow up those who had surrendered, it upset those who had surrendered in good faith, and it shamed the army.<sup>40</sup> Consequently, this procedure was dropped, but the policy of destroying property continued. Roberts firmly believed in the efficacy of these measures, as he later told General Clery:

I am not in favour of lessening the punishment laid down for any damage done to our railway and telegraph lines. Unless the people generally are made to suffer for misdeeds of those in arms against us the war will never end.<sup>41</sup>

Roberts told Lansdowne he was no longer treating the Boers leniently. In the Transvaal particularly the guerilla war was more pronounced and he was using:

much more severe measures than formerly. The people are beginning to understand this now, and the raids on the railway, cutting the telegraph wire, etc., are not nearly so frequent as they were.<sup>42</sup>

Yet Roberts was becoming sensitive to general comments or criticisms of his campaign. He complained of the criticism about the length of time his forces had spent in Pretoria, arguing the delay was caused by his having to direct numerous minor operations. In fact his comments to Lansdowne on 18 August showed how discouraged Roberts was becoming. He now blamed the guerilla war for delaying operations and conceded that this aspect of the campaign was wasting too many of his soldiers in fruitless secondary operations. No doubt it was with some relief when he told Lansdowne he was about to resume his march, and 'I trust they [operations] will have successful, if not final, result.'<sup>43</sup>

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<sup>40</sup> Fiddes to Roberts, (tel.), 23 July 1900, WO 105/25/Index.No.66/ff.18-27; Spies, pp.103-109.

<sup>41</sup> Roberts to Clery, 17 Sept 1900, RP 111/8/2371.

<sup>42</sup> Roberts to Lansdowne, 16 Aug 1900, RP 110/3/767.

<sup>43</sup> Roberts to Lansdowne, (tel.), 18 August 1900, RP 110/3/782.

Roberts's advance on Komati Poort was effectively the last stage of the conventional war. Much was hoped from the success of this enterprise, not least the total capitulation of the Boers. Although China continued to trouble the government, Lansdowne told Salisbury, 'The South African news is good, and I hope we may soon hear of proposals for peace.'<sup>44</sup> On 1 September Roberts formally annexed the Transvaal. This was followed by a proclamation on 13 September which called on the Boers to surrender. On 25 September, Roberts's forces occupied Komati Poort, and the Boers were cut off from the outside world.

The remorseless march of the British army made the defeat of Botha's forces inevitable. Few doubted that the war would be over once Komati Poort had been reached, and the only bone of contention outstanding concerned the seriousness of the guerilla war. Roberts informed Lansdowne and Milner on 2 September that, as the attacks on his communications continued and that the Boer general Christian De Wet had publicly stated his intention to attack British outposts at every opportunity, sterner measures were required. In June, Roberts had sent families of combatants who were residing in Johannesburg and Pretoria to Botha's forces, as he believed they should not be supplied at British expense. He further informed Botha that any farm near the scene of a Boer attack would be destroyed and those within a ten-mile radius would be cleared of stock and supplies. Moreover all remaining families who had not been removed would be sent to Botha's headquarters.<sup>45</sup> Roberts was becoming increasingly irritated by the wilfulness of the Boers, by their inability to see that their cause was lost. In fact, throughout August and into September, British units had carried out a policy of devastation in the countryside and especially against buildings in and around the railways. Indeed, farm burning began to be carried out with what Spies calls 'a casual ruthlessness'; and Roberts later told Botha he would send Boer families out on the veldt 'regardless of whether they were able to support themselves or not.'<sup>46</sup>

Lansdowne certainly supported a stringent policy at this time. The government clearly believed the Boers were finished and it was only a matter of time before they

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<sup>44</sup> Lansdowne to Salisbury, 31 Aug 1900, SP LC/ff.585-586.

<sup>45</sup> Roberts to Lansdowne & Milner, (tels.), 2 Sept 1900, WO 105/27/670/3/f.4.

<sup>46</sup> Spies, pp.124, 135.

surrendered. Lansdowne informed Roberts of government backing and told him to do everything and anything to bring the war to an end because the government was seriously concerned about events outside South Africa. Although the Boxer rebellion had been crushed in June, the crisis in China continued, owing to the Russians seizing territory in Manchuria. Lansdowne explained:

At the moment we are [spread] all over the face of the Earth, & the knowledge that we have so much on our hands weakens us diplomatically.

Six days later, Lansdowne told him that severity had the support of the 'man in the street,' especially after Roberts had tried to be lenient; it was time to abandon 'kid gloves' and resort to sterner measures. 'This is what you have done & the new departure has been welcomed.'<sup>47</sup>

In the letter of 13 September, Lansdowne revealed the other major factor which disturbed the Cabinet - the cost of the war. Lansdowne himself was under constant pressure from the Treasury; in fact since the occupation of Pretoria the Treasury had continually demanded that the army in South Africa be reduced. All Lansdowne could do was argue that Roberts's measures would soon have the desired effect of ending Boer resistance. Hicks Beach was not placated by Lansdowne's assurances and repeatedly called for a reduction in troop numbers; he even wanted Salisbury to intervene directly and order Roberts to tailor his strategy towards lessening costs and troops. By showing the Cabinet the earlier correspondence, Lansdowne managed to allay their concerns for the time being.<sup>48</sup> Although Hicks Beach was not the most popular member of the Cabinet his views regarding the cost of the war did not have to be elaborated or continually reiterated. Ministers were aware that costs had risen dramatically since the first estimates had been produced almost a year before. Yet they faced a dilemma in trying to redress this problem. First they had to be careful not to alienate the electorate by increasing the tax burden, particularly on those sections of society from which they drew their support. Secondly, they could not impress this point too forcefully on Roberts otherwise they might have a public dispute with the country's favourite general. It was difficult for the

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<sup>47</sup> Lansdowne to Roberts, 7 & 13 Sept 1900, RP 34/f.405, 406.

<sup>48</sup> See above, pp.104-106; Yakutieli, pp.124-125, 130-133.

government to know just how much pressure to apply; for the time being it had to be in the form of gentle persuasion because the war appeared to be coming to an end.

Indeed, everything was being prepared for the war to be terminated. Roberts reported from near Komati Poort that now, 'the settlement of the country will be more a civil than a military duty.' He explained that Baden-Powell was now organising a police force and that, hopefully, by October, he could start sending troops home.<sup>49</sup> A week later, he modified his predictions and stated that few regulars could be spared, but intimated that the various volunteer regiments - South African, Dominion and British - would be disbanded first. This was favourably acknowledged by Lansdowne who was pleased the volunteers would go first as they were the most expensive troops in the army.<sup>50</sup> For the moment, relations between the British government and Roberts were cordial. Ministers had no need to apply unnecessary pressure because the war seemed to be over, and Roberts was proving responsive to their anxieties.

Milner's hopes of a rapid end to the war, like those of the government, were raised by Roberts's advance on Komati Poort. The apparent inevitability of a successful conclusion to the campaign allowed Milner to devote more time to consideration of the future. As virtually all the major population centres had been taken by the British, he told Chamberlain that it was time the occupied areas were properly pacified. Milner was not concerned whether Botha's forces escaped into the northern regions of the Transvaal as these areas were bad for horses and lacked supplies. Milner did not want to see British troops and resources wasted against these men because it would not help in pacifying the captured territories. Any further advances would only expose more lines of communication to attack.<sup>51</sup>

Two weeks later, as Roberts's final objective was in sight, Milner reiterated his views on the military situation more explicitly. He was particularly annoyed at the tactics being used by the army. He could not see the use of troops occupying a town one moment and then being withdrawn the next to go chasing Boers, only to give those Boers the luxury of recapturing the town. Throughout the South African winter months, especially

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<sup>49</sup> Roberts to Lansdowne, 16 Sept 1900, RP 110/4/865.

<sup>50</sup> *Ibid.*, (tel.), 25 Sept 1900, CAB 37/53/70; Lansdowne to Roberts, 12 Oct 1900, RP 34/f.416.

<sup>51</sup> Milner to Chamberlain, (tel.), 5 Sept 1900, CO 417/293/ff.682-683.



between July and August, troops had been plundered from garrisons to assist in what became known as the first De Wet Hunt. These operations, however, were not the only ones being conducted: in the western Transvaal, General De La Rey was active, obliging the British to divert forces to hunt his commando. Milner felt that chasing Boers the length and breadth of the old republics was both slow and wasteful, instead he advocated:

the occupation, with a fixed resolve not to be turned out or to withdraw, of some commanding position in every district, which will form a base of supplies, and a rallying point for our friends or the neutrals who may require protection, and our firm retention of which will convince the people that we have come to stay. This is, in my opinion, a point of supreme importance.

The main advantage of this method would be that British troops could operate from numerous supply bases and not be hindered by having to take transport with them. Milner felt the commandos would soon be discouraged as they would be unable to penetrate the strongpoints, or evade the columns operating between them. Milner added that the protraction of the war prevented the restarting of industry, by which he meant the goldfields. While industry lay idle, the refugees from Johannesburg, who had fled to the Cape and Natal, were becoming destitute. In short, the guerilla war was not only impoverishing the countryside, it was ruining industry and the people who worked it.<sup>52</sup>

The latter part of Milner's lengthy communication was particularly important because he laid special emphasis on the speedy rehabilitation of the Transvaal and its economy. While the army seemed incapable of settling the countryside, Milner's annoyance became more discernible. Thus, by the time Roberts's forces had taken Komati Poort, Milner and the British government had converged after the breach earlier in the year. This convergence had been steady since the occupation of the ORC, and by the end of September Milner and the British government were once again united in wishing to see a rapid end to substantial, regular military operations. Although the interests of Milner and the government overlapped, their different priorities kept them apart. Thus, despite the united front shown by the politicians in both London and South Africa, they were unable to use it to ensure Roberts took notice of their views.

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<sup>52</sup> *Ibid.*, 19 Sept, CO 417/294/ff.146-150.

## IV

Simultaneously with these developing problems in the ORC, Milner and Roberts also faced difficulties of other kinds from May 1900 in reaching agreement on how to proceed in the Transvaal. For Milner, it was important that the new Colony be pacified as quickly as possible to facilitate his plans for the rebuilding of a new British South Africa. Milner wanted to see the mining industry restarted promptly, so as to provide the financial resources for reconstruction. The best method of achieving this, as far as Milner was concerned, was a short period of military government immediately followed by a substantial term of 'autocratic' civilian government.<sup>53</sup> To do this, to clear the 'Augean stable' that was the Transvaal, also meant that Milner relinquished his post as Governor of Cape Colony to become Governor of the Transvaal; he still kept his position as High Commissioner. Milner felt that his idea of a new, British South Africa could only be created from the Transvaal itself - the centre as he called it. Milner thought Cape Colony was beyond redemption:

But if we make the T.V [Transvaal] what it ought to be, the Colony will matter less, and in the long run, with the heart sound, the whole body will be saved, especially as Orange River is, I believe, easily saveable.<sup>54</sup>

For Milner, therefore, the reconstruction of the Transvaal was of the utmost importance. The success of his venture would make or break the British Empire in South Africa. Consequently, civil-military relations were soured further by two problems, both linked and both dependent on the resolution of the other before one could be fully resolved. These were the fate of the Uitlander refugees in Cape Colony and Natal, and the establishment of a paramilitary police force to provide the means for the transition from military to civilian policing. In this section the fate of the refugees and how this issue embittered civil-military relations will be discussed.

As early as 10 May 1900, Milner and Roberts had been in contact over the fate of the Transvaal. This was just before the capture of Johannesburg and Milner was already

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<sup>53</sup> *Ibid.*, 9 May 1900, Headlam, II, pp.142-144.

<sup>54</sup> *Ibid.*, 30 May 1900, *Ibid.*, pp.145-146.

determined to make his views known. Milner was plainly pushing for the establishment of civil administration and was particularly interested in the formation of a new police force, one which would not only police Johannesburg, but eventually the country districts also. But until these districts were pacified, Milner acknowledged that the refugees could not be allowed back. He was aware the single line railway would not be capable of supplying the army and a growing civilian population.<sup>55</sup> Milner's uncontroversial, and apparently sensible, views found favour with Roberts. These ideas were, as Roberts stated, 'general principles,' and both officials found it easy to agree at this level. But as the campaign unfolded and the guerilla war took root further agreement became difficult to achieve.<sup>56</sup>

On 1 June 1900, Milner began to consider ideas regarding who of the Uitlanders should be allowed back to Johannesburg. He was prompted to do so by the Chamber of Mines which wanted 580 staff members (drawn from a total of 12,541 employees) to be given permission to return to the city. Despite his earlier pronouncements to the contrary, on 10 May for example, Milner now favoured this idea. In Cape Colony, the refugee problem was acute. Many refugees were destitute and were protesting about their conditions; while the British government was unwilling to supply public money for their relief. Moreover, refugees in Britain were about to return owing to Roberts's victories. In any case, Milner was eager to see industry restarted: he explained to Roberts that by allowing these representatives back into Johannesburg, 'we shall satisfy industry, strengthen our hands in refusing miscellaneous inrush and prepare the way for prompt resumption of business whenever a larger population can be admitted.'<sup>57</sup> In addition to employees of the mines, Milner wished to see representatives from the commercial sector allowed back; this again was to resist massive applications in the near future. It seems Milner's eagerness and enthusiasm got the better of him. He gave no thought to the problems Roberts either faced or might have to face in the future. No consideration, for example, was given to the problem of supplying these people, and none to the pressure that might be exerted by others wishing to return. Milner's somewhat bland assurances

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<sup>55</sup> Milner to Roberts, 10 May 1900, MP IV/A/175/ff.68-70.

<sup>56</sup> Roberts to Milner, 16 May 1900, *Ibid.*, ff.28-30.

<sup>57</sup> Milner to Roberts, (tel.), 1 June 1900, CO 417/290/ff.781-782.

that to allow a few back would be enough to reassure those left behind was based on nothing but conjecture. He ignored the possibility that the opposite effect might happen, the few becoming an avalanche of humanity, which the authorities would be hard pressed to stop. While Roberts agreed in principle with Milner's suggestion he made no firm promises and merely said he hoped to fix a date sooner rather than later.<sup>58</sup>

Although Milner seemed, for the moment, to accept Roberts' evasive reply, others began pressing Milner to get a timetable prepared for the return of the refugees. The Standard Bank, for example, was anxious to know what coin was left in their branches in Johannesburg and Pretoria. As they were the army's bankers, Milner felt some of their men ought to return; perhaps Milner was content to use the applications of others to persuade Roberts, rather than keep pressing the Field-Marshal himself. But pressure also mounted on Milner as the mines, the banks, insurance companies and various other organizations, agitated for permission to return. Indeed the avalanche Milner had not suspected had begun to develop; he even stated that the first batch to return should contain representatives from all these institutions, which would number about 1,000. In just over two weeks, the 580 suggested by the Chamber of Mines had nearly doubled; by endorsing their suggestion, Milner had pulled the first stone of the avalanche.<sup>59</sup>

Unfortunately for Milner, Roberts was unable to meet his requests. Roberts blamed the insufficiency of engines and the lack of supplies for refusing to allow a large number of civilians to return to Johannesburg. As a sop, Roberts was prepared to allow twenty persons to come north.<sup>60</sup> In fact, the supply situation was serious. A few days after Roberts's refusal, he telegraphed Milner requesting that the prohibition on trading with the enemy be lifted. Furthermore, Lt-Colonel Girouard, the Director of Railways, had informed Kitchener that allowing mining officials to return would provoke trouble in the irregular regiments drawn from Johannesburg. Girouard had heard that Milner wanted 350

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<sup>58</sup> Roberts to Milner, (tel.), 5 June 1900, *Ibid.*, f.786.

<sup>59</sup> Milner to Roberts, (tels.), 7 & 17 June 1900, *Ibid.*, ff.102, 109.

<sup>60</sup> Roberts to Milner, (tel.), 26 June 1900, CO 417/291/f.328.

employees to return but knew that former mine managers serving with the Johannesburg regiments would resent newcomers arriving at the mines and doing their old jobs.<sup>61</sup>

Milner was aware of this problem. If he was hoping that pressure from the refugees would make Roberts relent, then he was wrong. Milner asked Roberts if only those granted permits might be allowed to return, a suggestion which Roberts dismissed because 'at present there are military reasons against it. I would be very glad if you would undertake the granting of passes when the Military situation admits of civilians coming up.'<sup>62</sup>

Roberts was hinting that the situation was far from satisfactory. How unsatisfactory Milner soon discovered. He had, in collaboration with leading Uitlanders, been compiling a list of those most suitable for an early return. In this way, Milner could send north any number Roberts decided to allow in. It must have been a great disappointment, therefore, for Milner to learn of the fate of the twenty representatives Roberts had allowed to return to Johannesburg. First, they were detained at Bloemfontein, and secondly were told by Girouard that they could only stay for a month. Milner considered this stipulation preposterous. To treat the representatives of the mining industry in such a way was absurd, especially as 'they have been most reasonable and helpful throughout and can be of immense use in the future.'<sup>63</sup>

Roberts was experiencing troubles of his own. The day after receiving Milner's complaint, he told him that news of the twenty representatives had been received badly by members of the various Uitlander regiments, who felt their jobs would be lost. This was the reason for the delay. Members of the Railway Pioneers and Imperial Light Horse (ILH) had threatened to resign if the refugees arrived in Johannesburg and, as Roberts explained, some troops from De Montmorency's scouts had actually done so. Roberts did not want others to follow their example and create a shortage of troops he could ill afford. As it was, two days earlier Roberts had been obliged to tell Mackenzie, the Military Governor of Johannesburg, to instruct Samuel Evans and other mine managers not to

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<sup>61</sup> Roberts to Milner, (tel.), 1 July 1900, RP 111/3/835; Girouard to Chief of Staff, (tel.), ND, WO 105/34/Political Secretary File. Milner rescinded the proclamation forbidding trade with the enemy on 2 or 3 July, Milner to Roberts, (tel.), 2 July 1900, CO 417/292/ff.527-528.

<sup>62</sup> Milner to Roberts, (tel.), 1 July 1900; Roberts to Milner, (tel.), 2 July 1900, *Ibid.*, ff.201-202.

<sup>63</sup> Milner to Roberts, 5 July 1900, MP IV/A/175/ff.98-99; (tel.), 5 July 1900, CO 417/292/f.203.

communicate with men from the Uitlander regiments because of the unrest it caused. Roberts also began to lose patience with the Uitlander soldiers themselves and threatened that if any resigned they would be sent back to their place of enlistment and not be allowed to return to Johannesburg. As most had enlisted in Cape Colony or Natal this was quite a threat.<sup>64</sup>

The opposition of the Uitlander regiments was proving irksome to Milner. He already had enough trouble persuading the high command to resume work on the mines; what he did not need was trouble from a quarter that, to him, had no reason to be troublesome. Milner felt the action of the irregulars to be short-sighted and wholly unwarranted.<sup>65</sup> Annoyingly for Milner, Roberts chose to give his own needs priority, viewing the effect of a large-scale withdrawal of service with dismay. He told Milner he would now allow the representatives only ten days in Johannesburg.<sup>66</sup> Milner was quite irritated by Roberts's lack of co-operation; he sent the Field-Marshal messages from the Chamber of Mines which promised to hold open the jobs of those on active service, alongside protestations that the Uitlander soldiers could have thought their employers so inconsiderate.<sup>67</sup> Milner though was caught in a quandary. He recognised it would take months before a sufficient number of refugees could return and restart industry. He admitted as much to Chamberlain<sup>68</sup>, which begs the question why did he continue to harass the military? Presumably, Milner still wanted to keep the issue alive, so that all returns would occur as soon as possible; furthermore, he was unable to remain idle, and the representatives of the Uitlanders refused to let him do so. And to add to Milner's frustrations the military situation continued to worry him, particularly after outposts around Pretoria were attacked, costing the British several hundred men and two guns.<sup>69</sup>

On 21 July 1900, Roberts began his march on Komati Poort. Milner's hopes of a quick end to the war now that Roberts had embarked on his final campaign may have got

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<sup>64</sup> Roberts to Milner, (tel.), 6 July 1900; to Mackenzie, (tel.), 4 July 1900 RP 111/3/898, 877.

<sup>65</sup> Milner to Roberts, (tel.), 9 July 1900, CO 417/292/ff.205.

<sup>66</sup> Roberts to Milner, (tel.), 9 July 1900, *Ibid.*, f.208.

<sup>67</sup> Milner to Roberts, (tel.), 9 July 1900, *Ibid.*, f.206.

<sup>68</sup> Milner to Chamberlain, (tel.), 11 July 1900, *Ibid.*, ff.191-193.

<sup>69</sup> Milner to Chamberlain, (tel.), 18 July 1900, *Ibid.*, f.427.

the better of him, because nine days later he sent a long note to the Field-Marshal outlining the difficulties he faced. The 'impatience of the exiles' troubled him greatly. He acknowledged that the fall of Pretoria had heightened expectations unrealistically, but the attitude of the irregulars had incensed the refugees. Perhaps Milner felt this note would be a last plea to Roberts. He tried to explain that by allowing some representatives back in order to restart industry, the irregulars would benefit once they were disbanded. But recognising how matters were decided in South Africa, Milner added that it was up to Roberts to judge and that he would back him whatever decision was made.<sup>70</sup>

Roberts, unable to escape Milner's pleas even when away campaigning, replied rather testily. 'There is not the least use in the exiles worrying themselves about Johannesburg, no one will be allowed to return until peace is made.'<sup>71</sup> This uncompromising statement revealed Roberts's own impatience with events. Probably Roberts believed his march would end in final victory and that the refugees could be put off until then - when he had either left South Africa or was in the process of leaving. But as Roberts's march proceeded so refugee impatience grew, forcing Milner to continue pestering him for an early resolution of this difficulty. Not unnaturally expectations amongst the refugees had begun to rise again as the end of the war was in sight, and the further the campaign progressed the greater the anticipation. Thus, throughout August and up to the capture of Komati Poort on 25 September, the refugee problem continued to plague civil-military relations. It was not surprising it should do so considering how many refugees were destitute. Milner explained that the refugees knew that 'notorious anti-British traders' were operating in Johannesburg and resented it. (This was no doubt a consequence of the lifting of the proclamation which forbade trading with the enemy.) He recommended, therefore, that twenty representatives of the commercial interest be allowed to return, just as those of the mining companies had earlier. To this Roberts agreed, but only for a week.<sup>72</sup> Nevertheless, the anticipated conclusion of the war created a climate which generated much tension between Milner and Roberts. More than anything this

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<sup>70</sup> Milner to Roberts, 30 July 1900, RP 45/f.37.

<sup>71</sup> Roberts to Milner, 10 Aug 1900, MP IV/A/175/ff.52-56. Milner wrote on his copy, 'Keep. More sanguine than convincing.'

<sup>72</sup> Milner to Fiddes & Roberts, (tels.), 8 & 16 Aug 1900; Fiddes to Milner, (tel.), 14 Aug 1900 CO 417/293/ff.459, 474, 460. Roberts to Kitchener, (tel.), 29 Aug 1900, RP 111/7/1956.

tension led to the development of false hopes and a failure to appreciate the direction the war was taking.

For Roberts, the growing impatience of the refugees, coupled with criticism emanating from both the British and South African public, became more irritating. In having to defend himself he admitted that the guerilla war was far more dangerous than first thought.<sup>73</sup> Milner's criticism of the army, however, was now becoming more specialised. The inability of the army to get the refugees back to Johannesburg made Milner think about the present course of the war. He was convinced the army was not doing an efficient job, and he was losing confidence in Roberts. Milner was prepared to admit that the process of subjugation would be slow, but emphasised the essential point was to make some effort at establishing civil administration; which of course included industry and commerce. He added, 'If we can confine resistance to a definite area - even a wide one - sufficiently removed from the centres of industry, it will die of itself.' Milner was perturbed at the thought of Roberts having to conduct several minor campaigns, which left him no time to consider establishing a civilian presence in the conquered territories.<sup>74</sup> Consideration of the refugee problem and his own overwhelming desire to begin the reconstruction of South Africa meant Milner was ready, once again, to interfere in a politically dangerous area - military strategy. He was no longer content with trying to hustle Roberts along, merely to ensure he did not forget important details which might get lost in the minutiae of military technicalities.

Having appealed to London, Milner tried to impress on Roberts that his policy of leniency had failed and the requirement now was to detain able-bodied Boers in camps. By so doing they would be kept away from the commandos, and reduce any inclination to rejoin their former comrades. By keeping them in South Africa, moreover, it would reduce the fear they might have of being sent abroad. As for the refugees, Milner merely reiterated that destitution was rife.<sup>75</sup>

Milner's concerns, however, appeared to cut little ice with Roberts. He had his hands full trying to conduct his campaign, the guerilla war and the deteriorating supply

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<sup>73</sup> Roberts to Milner, (tel.), 18 Aug 1900, WO 105/34/C3685. Lansdowne was sent the same note.

<sup>74</sup> Milner to Chamberlain, 22 Aug 1900, JC 13/1/56.

<sup>75</sup> Milner to Roberts, 23 Aug 1900, RP 45/f.38.



problem in the Transvaal. Roberts telegraphed Milner offering little hope to the refugees, and stated, rather sarcastically, 'It might perhaps satisfy some people who are eager to return to Johannesburg if they were told there is a meat famine there, and that horses have now to be eaten by the few civil residents in the place.'<sup>76</sup> Such was the seriousness of the supply problem that Roberts had to go begging to the Natal authorities for the use of engines from the Natal railway. As a result, he had to promise Natal due consideration in the trade to supply the Rand with food.<sup>77</sup> Indeed, on 29 August, Roberts even ordered Kitchener to plunder other lines of rolling-stock in order to supply his army marching on Komati Poort.<sup>78</sup>

The impending conclusion of the war brought on by Roberts's successful march was indeed raising British hopes everywhere. Milner's appeal to London had seemed to work because Chamberlain replied by expressing his frustration about the delay in establishing civil administration. He was also disappointed that a military police force had not yet been formed, and agreed that business should be restarted on the Rand. He felt that thousands of 'Englishmen' back on the Rand, suitably armed would have a disquieting effect on the Boers. Chamberlain hoped that Roberts's impending success would, in conjunction with the establishment of a police force, mean that Roberts could start sending regular troops home.<sup>79</sup> Milner had obviously struck a chord when he had written to Chamberlain on 22 August, although not as deeply as he might have hoped. The government was still reluctant to press Roberts as the results of his campaign had yet to be known. For the Cabinet, the peace dividend they anticipated did not match Milner's sufficiently enough to warrant a direct questioning of Roberts's conduct; nor was it the time to do so as optimism was running high. The thought of reduced costs and the ability to reassert British interests throughout the world more forcibly was enough for the Cabinet.

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<sup>76</sup> Roberts to Milner, (tel.), 23 Aug 1900, WO 105/34/C3811. Roberts explained this more subtly in a letter to Milner, in which he agreed with Milner's suggestion about the internment of Boer prisoners. He also agreed that leniency had failed and that it was time for harsher measures. Roberts to Milner 3 Sept 1900, MP IV/A/175/ff.58-61.

<sup>77</sup> Roberts to Hely-Hutchinson, 30 Aug & 9 Sept 1900, RP 111/7/1974, 2198.

<sup>78</sup> Roberts to Kitchener, (tel.), 29 Aug 1900, RP 111/7/1957. Roberts calculated he would require 4 trains of 13 trucks each every day from Pretoria.

<sup>79</sup> Chamberlain to Milner, 10 Sept 1900, JC 13/1/68.

In any case, Milner had little to complain about. On 13 September he had sent another imploring note to Roberts about the destitution of the refugees. This time he asked Roberts to be more forthcoming about setting a date when they could return.<sup>80</sup> Having returned to Pretoria early, with his army in sight of Komati Poort, Roberts clearly felt more confident about the turn of events. Consequently, he was able to inform Milner that supply trains for civilians would be sent once a week and, therefore, he could permit a select few to return. For the first time Roberts gave Milner a date - 10 October - when the first Uitlanders could return to Johannesburg.<sup>81</sup>

The setting of a date for the return of the refugees had raised expectations, which were boosted by Roberts's announcement that with enough trains, some 3,000 refugees could be moved north every week. The only proviso was that veterans, men who had served in the Uitlander regiments, and particularly those who had been wounded or were sick ought to be given precedence.<sup>82</sup> Indeed, Roberts was extremely conscious of placating the Uitlander volunteers, especially after the problems he had encountered earlier. He told Generals Buller and Hildyard on 4 October that they were to discharge 10% of their irregulars to enable them to reach Johannesburg before the refugees from the Cape and Natal.<sup>83</sup> As the war seemed over, the various volunteer corps were clamouring for their release. The problem here was that although Roberts could save the British government money by discharging the volunteers - and as these were paid 5/- a day they were the most expensive men in the British army - he would create problems for himself. The discharge of some of the finest mounted troops would create a shortage of such men at a time when he needed all the forces he could muster. Roberts could not stop the return of the British units; the Dominion soldiers he could keep a little longer; but for those who lived in South Africa it was a different matter. These he could insist remained on active service as the war was in their homeland and had still not subsided. Roberts wanted Milner to assure Colonel Wools Sampson, commander of the ILH, that his men would be given preferential treatment when applying for jobs in the newly forming police or

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<sup>80</sup> Milner to Roberts, 13 Sept 1900, RP 45/f.41.

<sup>81</sup> Roberts to Milner, (tel.), 22 Sept 1900, WO 105/34/C4863.

<sup>82</sup> Roberts to Milner, (tel.), 28 Sept 1900, WO 105/34/C5055.

<sup>83</sup> Roberts to Buller and Hildyard, (tels.), 4 Oct 1900, RP 111/9/2776, 2777.

elsewhere, principally to keep the regiment together.<sup>84</sup> In fact over the next three or four days, Roberts despatched a host of telegrams endeavouring to keep the Uitlander regiments in the field with a promise of preferential treatment.

Two telegrams to Milner on 10 October revealed Roberts's concern. First he wanted only fit and loyally disposed men to return to Johannesburg, after having agreed to serve in a volunteer unit or the town guard. Second, he wanted Milner to intercede with Wools-Sampson for him, by utilising the services of Percy FitzPatrick, a leading representative of the Uitlanders, as a mediator.<sup>85</sup> Roberts was sensitive to the demands of the British government for the release of troops, but he had none to spare. He had to be honest and admit the Boers were causing trouble and that he needed all the troops he could muster.<sup>86</sup> Disbanding the volunteers would be a retrograde step and deprive his forces of good quality soldiers. Roberts was in such an awkward position that he was forced to make strenuous appeals to the Chamber of Mines, asking that the volunteers be given preferential treatment so as to prevent any trouble when the refugees arrived home.<sup>87</sup>

Of course it was still too early for despondency about the fact that the occupation of Komati Poort had not ended the war immediately. In truth, the Boers continued their raids on the railways and telegraph lines, obliging Roberts grudgingly to praise their endeavours. 'The persistency of the Boers is somewhat remarkable', he wrote, 'for the damage done is soon repaired, and is invariably followed by severe punishment.'<sup>88</sup> The persistence of the Boers was causing more disappointment than Roberts would at first admit. Supplies were not getting through and on 9 October railway repair parties were attacked causing more disruption. Consequently, on 13 October, Roberts told the leading civil and military officials in South Africa - Milner, Hely-Hutchinson, Girouard, Forestier-

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<sup>84</sup> Roberts to Milner, (tel.), 9 Oct 1900, RP 111/9/2846.

<sup>85</sup> Roberts to Milner, (tels.), 10 Oct 1900, WO 105/34/C5434 & RP 111/9/2854.

<sup>86</sup> Roberts to Lansdowne, 11 Oct 1900, RP 110/4/970.

<sup>87</sup> Roberts to Pres. Chamber of Mines, (tel.), 11 Oct 1900, RP 111/9/2871.

<sup>88</sup> Roberts to Lansdowne, (tel.), 12 Oct 1900, WO 105/32/1339.

Walker and Major-General Murray, [the GOC, Lines of Communication in Natal] - that the departure of the refugees had been postponed.<sup>89</sup>

For Milner the blow must have been tremendous; once more, he was faced with a crisis which he could do little to alleviate without the cooperation of the army. The extent of his anger can be discerned by the fact that in a meeting with Roberts, he told the Field-Marshal that he should leave South Africa and let Kitchener take over. Although Milner told Roberts in a polite manner and did not offend him, it is clear Milner had ceased to believe in Roberts as the man to finish the war.<sup>90</sup> Indeed, Milner began to cultivate Kitchener and attempted to bring him round to his way of thinking, particularly over the refugee crisis. Milner had travelled north, had discussed the situation with Roberts in Pretoria, and then spoken to Kitchener in Johannesburg. Afterwards, he explained to Kitchener that it was imperative, both for military and political reasons, the refugees be allowed back. Militarily, if thousands did return they could provide a reservoir of potential volunteers for the army. Moreover they would be useful in catching spies and counteracting their activities. Politically, if discontented refugees remained in Cape Colony and became even more disenchanted, they might act as a spur to rebellious Afrikaners, who might then take advantage of the discontent. Milner was worried about the fact that some 6-7,000 Boer prisoners were kept in the Western provinces amongst a sympathetic population. He also tried to assure Kitchener that the problem with the irregulars would disappear once they were properly informed about the extent of the crisis and thought they would not cause trouble as a result. He explained, 'I have fenced with their growing impatience for 4 months, not altogether unsuccessfully; but I am getting to the end of my tether.' As a token of the army's commitment to the refugees, Milner wished for 6,000 tons of supplies to be sent to Johannesburg ready for the return of the refugees; he felt it would dissipate their anger.<sup>91</sup>

Milner was clearly perturbed by the worsening situation, not only for the refugees but for himself also. Everything seemed to be going wrong: the refugees and irregulars were totally disenchanted, and the army appeared to do little to get the Rand operational

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<sup>89</sup> Roberts to Milner & Others, (tel.), 13 Oct 1900, CO 417/295/f.238.

<sup>90</sup> Roberts to Lansdowne, (tel.), 22 Oct 1900, WO 105/33/f.296.

<sup>91</sup> Milner to Kitchener, 25 Oct 1900, CO 417/295/ff.368-370.

again. Milner appealed once more to Chamberlain, appraising him of the discontent amongst the irregulars and the near 'mutinous' state of the refugees. The latter group were so incensed they had begun to fall prey to radical agitators who blamed the capitalists for the delay and the fact that Roberts was under 'capitalistic influences.' Milner was exasperated by what he felt was an unnecessary situation, caused by the wilful obstinacy of the irregulars to see that the return of the refugees was in their own interests, and that the high command had kept them in the field too long. Milner felt that Roberts should release the irregulars immediately in the hope of getting many to join the paramilitary police.<sup>92</sup> Milner's troubles were now getting out of hand; the army, in attempting to alleviate their own problems, were making his even worse.

For Roberts his problems stemmed from the fact that the irregulars, both South African and Dominion, were clamouring for their release. It seemed the Boers were aware of this and had stepped up their activities as a result. Roberts refused to grant any more discharges until fresh South African units had been raised: as he told Lansdowne, 'I mention all this in order that you may understand why troops cannot be sent home...'<sup>93</sup> Roberts, in fact, was running out of ideas: he could only offer Milner a scheme of public relief to get poor, surrendered Boers working, possibly on railway construction, and thus prevent them from going back on commando.<sup>94</sup> Kitchener though offered more immediate hope. Milner was informed that if refugees joined the new irregular regiments 'they would no doubt considerably accelerate their own return, and that of their fellow refugees.' Milner approved of this, and wanted it mentioned to the Uitlander committees.<sup>95</sup>

Milner was more in tune with Kitchener than he was with Roberts. Kitchener had apparently given a more substantial assurance that as long as the Uitlanders were prepared to help the army, the army would help them. At least it was more than Roberts's bland statements about relief work and a step in the right direction. This sort of suggestion must

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<sup>92</sup> Milner to Chamberlain, (tel.), 28 Oct 1900, JC 13/1/78.

<sup>93</sup> Roberts to Lansdowne, (tel.), 28 Oct 1900, WO 105/33/f.299.

<sup>94</sup> Roberts to Milner, (tel.), 31 Oct 1900, RP 111/9/3154.

<sup>95</sup> Walrond to Milner, (tel.), 31 Oct 1900; Milner to Walrond, 1 Nov 1900, CO 417/295/ff.372-373, 378.

have added to Milner's belief that Kitchener was the man he should discuss matters with and not Roberts. Milner had now clearly tired of Roberts; and although his opinion of the high command overall was not great, he must have felt that Kitchener would provide some impetus to the refugee problem and be more receptive to his ideas than Roberts. Milner's disappointment with Roberts was palpable, and his accumulated annoyance was probably the reason which induced him to despatch a long letter to Kitchener on 31 October. Without mentioning Roberts by name, it is plain Milner was criticizing him. 'It is quite evident,' he wrote, 'that what is the matter now is not so much anything the Boers do as our own choppings & changings & want of system.' Milner, in the hope of gaining support, if not in the present then in the future, was, it seems, attempting to convert Kitchener to his way of thinking; or, at least point out the fallacies of Roberts's methods:

if by concentrating our efforts we could absolutely subjugate certain definite areas and screen the people in them, in their usual occupations, from molestation from without, we should dishearten the enemy & encourage the waverers to come to us. Every step in that direction will make the next step easier.

It was this reasoning which prompted Milner to continue to demand the return of the refugees. In order to placate the irregulars, Milner wanted them to be released, because he believed that within a month of their return, alongside 20,000 refugees, the army would get enough recruits to form an Uitlander corps which could garrison the Rand and the outlying districts.<sup>96</sup> Milner had reiterated at greater length what he told Kitchener on 25 October. But in this last letter he had disclosed his intense frustration at the lack of progress in Johannesburg. The point here, and it must have galled Milner, was that he had to spell it out, in no uncertain terms, to the high command, and keep hammering the point home. However, Milner's preaching to Kitchener was not to the converted; if anything it was to the heretic.

Milner was continually looking ahead, trying to make preparations for a peaceful South Africa. The army, however, had more immediate problems, which they thought more important and better understood. This was the question of troop numbers and the amount they would lose if the irregular corps resigned en masse on the arrival of the first refugees. Both Roberts and Kitchener were becoming increasingly vexed by the

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<sup>96</sup> Milner to Kitchener, 31 Oct 1900, KP 17/S7. [Milner's italics].

intransigence of the irregulars. Percy FitzPatrick had arrived in Johannesburg to mediate between the irregulars and the army, following Roberts's suggestion of 10 October.<sup>97</sup> His mission, therefore, was of vital importance, not only to engender good relations between the high command and the irregulars, but also to remove one prominent impediment blocking the return of the refugees. Moreover, FitzPatrick also carried the interests of the mine owners who, no doubt, were eager to see a return to partial, if not full, production.

The problem in dealing with the irregulars was that the army regarded them as indispensable, and the irregulars knew this. The actions of generals had made this plain because they had promised disbandment on numerous occasions, and then failed to deliver at the last moment. The last straw had come in October when the irregulars were marched to Pretoria for demobilization and were then told this could not be done, as their services were still required. This caused a storm of protest, obliging the army to discharge some to quieten the rest. However, the irregulars were then informed that preferential treatment would only be given to those men still in the field when the war was over. FitzPatrick's visit to see both Roberts and Kitchener paid off. Roberts willingly accepted FitzPatrick's idea of creating a reserve of discharged irregulars, to be recalled if and when necessary. Kitchener was reluctant at first, having no sympathy for men who wanted their discharge. In the end, Kitchener agreed to FitzPatrick's suggestion that discharged volunteers be given a free railway warrant to travel to Johannesburg to see for themselves the desperate situation of the town; once they had acknowledged this, FitzPatrick argued, they would return to their units and say no more about going home before anyone else, and persuade the others to cease their agitation.<sup>98</sup>

Although this accommodation with the irregulars had removed a major obstacle to the return of the refugees, other problems surfaced which confounded a solution to the problem. On 5 November 1900, Roberts told Milner that the reason which prevented the refugees moving north was the precarious food situation. Roberts explained that owing to the continual attacks on the railway, the food requirements of the army were not being met and that they were drawing on scarce reserves. He added that once enough food had

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<sup>97</sup> See above, pp.118.

<sup>98</sup> FitzPatrick to Beit, 7 Nov 1900, A.H Duminy & W.R. Guest, (eds.), *FitzPatrick. South African Politician. Selected Papers 1886-1906* (Johannesburg, 1976), pp.281-289. For correspondence appraising Milner of FitzPatrick's mission, see CO 417/295/ff.380-381, 391-392, 502-503.

been brought in and a substantial reserve stock accumulated, he would consider allowing the refugees to return home.<sup>99</sup> Roberts was not making excuses. Girouard confirmed how bad the situation was and how difficult it was to supply the army let alone an increased civilian population.<sup>100</sup> In fact, Roberts's problems were monumental, and by mid-November, his telegrams began to take on an air of desperation. On 16 November, he ordered Forestier-Walker to remind Milner that food-shortages were preventing the refugees from returning.<sup>101</sup> 16 November was a busy day regarding the supply situation. There had been a lack of supplies coming from Natal, only 30 trucks in the last three days, and representations were made to Hely-Hutchinson to increase the flow.<sup>102</sup> Roberts summarised the position for Milner's benefit:

I am most anxious to get them all back as I believe the political effect would be excellent. I would be very glad also to see you take office at Pretoria, but at present we barely get sufficient supplies for the daily use of the troops, and to increase the number of people to feed would be a danger instead of a strength.<sup>103</sup>

So great were the problems, that Roberts refused, at first, to allow 66 managers and engineers to return after they had been given permits by Milner. Roberts thought this would raise the hopes of the refugees unduly; he also felt that there was no room on trains given over to the task of bringing in supplies. Milner disagreed and practically demanded these representatives be allowed to return. It would, in his opinion, give the mining companies equal representation on the Rand, as each would have employees guarding their property. More importantly, it would demonstrate to those left behind that something was being done to facilitate their return, even though, as Milner pointed out, the Uitlanders had realised their move north had been postponed indefinitely.<sup>104</sup> More likely, it was Milner

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<sup>99</sup> Roberts to Milner, (tel.), 5 Nov 1900, WO 105/34/C6049.

<sup>100</sup> Milner's Diary of Events, 15 Nov 1900, CO 417/295/ff.690-691.

<sup>101</sup> Roberts to Forestier-Walker, (tel.), 16 Nov 1900, RP 111/10/3381. In another telegram, Roberts told Forestier-Walker that supplies and remounts only should be given precedence on the railways. Roberts to Forestier-Walker, (tel.), 16 Nov 1900, *Ibid.*, 3386. Page, pp.84-119.

<sup>102</sup> Roberts to Hely-Hutchinson, 16 Nov 1900, RP 111/10/3385.

<sup>103</sup> Roberts to Milner, (tel.), 16 Nov 1900, WO 105/34/C6367.

<sup>104</sup> Roberts to Milner, (tel.), 20 Nov 1900, WO 105/34/C6496; Milner to Kitchener, (tel), 17 Nov 1900; to Roberts, (tel.), 21 Nov 1900, CO 417/295/ff.747, 750-751.



who now accepted the move had been postponed. As far as the army was concerned the problem of the refugees had been shelved. Consequently, Milner lost what little faith he still had in Roberts's ability. He was not impressed by any of the ideas advanced by Roberts, such as putting a price on the heads of Boer leaders like Botha and De Wet; or threatening to confiscate their property.<sup>105</sup> Milner, in fact, was totally disillusioned by Roberts's failure to get to grips with the guerilla war, and the pacification of the country; as he told Chamberlain:

We are making but little progress, though I believe military policy is gradually settling down on sounder lines. Personally, I think this process will be facilitated by Lord Roberts's return home.<sup>106</sup>

## V

By mid-September 1900, Roberts's main priority was to leave South Africa. He first asked to be relieved on 17 September and had left the occupation of Komati Poort to his subordinates.<sup>107</sup> On receiving this request, the Cabinet quickly nominated Roberts as the C-in-C to succeed Wolseley on his retirement, and were thus able to settle two pressing problems: to remove Roberts from South Africa, and to ensure Wolseley was replaced with the minimum of fuss.<sup>108</sup> Roberts arrived back in Pretoria on 21 September to await Lansdowne's reply, which came on 29 September, acceding to Roberts's request and confirming him as Wolseley's successor. Roberts was convinced that operations were now of a 'police nature.' It was not for him to set about creating cleared zones; all his job entailed was that the basics of civilian administration be established and forces left to deal with the remaining commandos. As far as Roberts was concerned his task was over. Despite the fact that he and Milner agreed that only police operations were necessary, even this failed to settle the differences between the two officials..

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<sup>105</sup> Milner's Diary of Events, 17 Nov 1900, CO 417/295/ff.695-696.

<sup>106</sup> Milner to Chamberlain, 14 Nov 1900, JC 13/1/91.

<sup>107</sup> Roberts had told Milner on 2 June that he wanted to see a civilian governor installed in the Transvaal, 'and that I may be allowed to leave South Africa as soon as necessity no longer exists for actual military operations.' Roberts to Milner, 2 June 1900, MP IV/A/175/ff.36-41.

<sup>108</sup> James, pp.342-343.

The problem facing Roberts and Milner arose from the fact that the period after the capture of Komati Poort was in a sense one of neither peace nor war. The demarcation between civilian and military authority was now peculiarly blurred. Indeed, just before the capture of Komati Poort, Milner had tried to push his case; he wrote to Roberts saying, '...I think with the breaking up of the enemy's army, the political aspect begins once more to be a very important one.'<sup>109</sup> Although this letter was never sent it shows that Milner now considered himself to be the paramount official in South Africa. Yet, as long as the Boer commandos continued to remain active, Milner's hopes could never be realised: nor for that matter could Roberts's. Thus the situation was ripe for disagreement and misunderstanding.

The elation following the capture of Komati Poort affected opinion not only regarding South African problems, such as the refugees, but also wider considerations. Milner was not alone in his anticipation of a satisfactory end to the war: the British government shared his optimism. Consequently, hopes were raised that Roberts would alter his strategy which would reflect the belief that the war was, indeed, practically over. As a result, the government in London took a keen interest in events in South Africa, particularly after Parliament was dissolved on 25 September for the general election. Much of their campaign was based on the premise that they were the right party to 'win the peace,' that the apparent victory would not be thrown away. As much as anything, the British government now had to deliver a settlement that would not only affirm British paramountcy in South Africa, but appeal to the electorate of Britain as well. Thus, the conduct of the war following the capture of Komati Poort was of great interest to the government, and Milner. This section, therefore, will examine the problems associated with the establishment of the paramilitary police, and the problems related to the general transition from military to civilian policing, even though the guerilla war still continued.

The establishment of an effective police force had been considered as early as July. The guerilla tactics of the Boers appeared to be more banditry than regular military operations at the time, and less of a threat. Eventually, as the Boers increased the scope of their activities, and the measure of their success, Milner considered the need to establish a police force more urgent. He asked Roberts for Baden-Powell's services to

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<sup>109</sup> Milner to Roberts, 21 Sept 1900, MP IV/A/175/ff.111-115.

create and command such a force. Milner proposed to recruit a special mounted force from 'good men' in the Yeomanry and irregular corps. He wanted about 5,000 men and wanted them ready as soon as possible, in order that they could takeover settled districts and let the army do its own work. Roberts agreed to these proposals, but mentioned that 10,000 men be recruited instead.<sup>110</sup>

Having gained Roberts's acceptance of the idea, Milner informed Chamberlain on 12 September. The initial response of the Colonial Secretary was to express his concern about Treasury acceptance of the idea, especially as the Transvaal was supposed to bear its own financial burdens.<sup>111</sup> Roberts told Lansdowne that he was arranging with Milner for a police force to be established. Although Roberts did not make the point explicitly, Lansdowne must have gathered that the formation of a police force would facilitate the reduction of the army - and costs - in South Africa.<sup>112</sup> The cost of a police force concerned the War Office greatly. Fleetwood-Wilson, the Under-Secretary of State at the War Office, wrote to his counterpart in the Colonial Office, Frederick Graham, on 19 September, that it was presumed the cost of the police would not come from the Army Estimates. The Colonial Office felt, however, that the War Office had no choice but to pay while the two new colonies were under military administration, and eventually told Milner to proceed on this understanding.<sup>113</sup> As both departments seemed to accept the situation it is most likely they did not believe military administration would last for very long.

On 24 September, Milner told Chamberlain of Baden-Powell's scheme and eagerly endorsed its main points: first, that it would enable large numbers of troops to be sent home; and secondly, that it would enable British settlers to remain in the country and be compatible with any scheme of state assistance for settlement on the land. Evidently, Baden-Powell wanted 6,000 men and 200 officers, who would be paid 5/- a day. That same day Milner told Chamberlain that he, as High Commissioner, should command the

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<sup>110</sup> Milner to Roberts; Roberts to Milner, (tels.), 10 & 11 Sept 1900, CO 417/294/ff.605-607.

<sup>111</sup> Milner to Chamberlain, (tel.), 12 Sept 1900; CO Minutes, 14 Sept 1900, CO 417/293/ff.893-894.

<sup>112</sup> Roberts to Lansdowne, 16 Sept 1900, RP 110/4/865.

<sup>113</sup> Fleetwood-Wilson to Graham, 19 Sept 1900; CO Minutes, 21-23 Sept 1900; Chamberlain to Milner, (tel.), 25 Sept 1900, CO 417/307/ff.103-106.

police otherwise he would be unable to control costs, its organization and personnel. Milner brushed aside any idea of conflict with the army, 'I shall have no difficulty whatsoever about it with the military provided that they understand my position.'<sup>114</sup> It is likely Milner feared the army would take over command of the police and use it for their own purposes. Milner had other ideas on how they should be used and wanted to ensure they were not wasted chasing commandos.

However, Milner did have problems with the military. Roberts informed him that 10,000 men should be recruited as it would be easier to reduce a force than increase it if necessary. With only 6,000 men, the police would have to rely on imperial help and this might be withdrawn if Britain became involved in a war elsewhere. Moreover, Roberts wanted the police to have an allowance of 2/- in addition to their ordinary pay as South Africa was expensive.<sup>115</sup> Obviously, Milner had ignored Roberts's earlier recommendation about the size of the police force, perhaps regarding it as a suggestion rather than a point of principle. Milner immediately informed Chamberlain and included his own reply to the Field-Marshal, which pointed out the difficult financial position of the new colonies. As it was, Milner expected a large garrison would be left for some time in South Africa, thus negating the need to raise extra police officers. With regard to Roberts's other assertion that Ireland, a much smaller country, required 15,000 police, Milner said 4/5 of the country were against the British there, but in the Transvaal as soon as the refugees returned, the population imbalance would not be as great. Milner emphasised that the new colonies could not afford a large police force, and he did not want to alienate the loyalist population immediately. Cost was a factor which Milner seemed keen to stress perhaps because ministers were susceptible to this sort of reasoning: an extra 2/- a day would cost more than £200,000 a year, and if paid out initially could not be withdrawn easily if it was found necessary to do so.<sup>116</sup> Milner was clearly anxious: he was trying to obtain the return of the refugees, and also attempting to obviate the need for extra police and thus lessen the costs of his new colony. But, perhaps more than anything, Milner was trying to ensure that his police did not become a mere adjunct

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<sup>114</sup> Milner to Chamberlain, (tels.), 24 Sept 1900, CO 417/294/ff.210, 221.

<sup>115</sup> Roberts to Milner, (tel.), 5 Oct 1900, WO 105/34/C5299.

<sup>116</sup> Milner to Chamberlain, (tel.), 6 Oct 1900, CO 417/294/ff.495-497.

of the army. If they were used to chase Boers, there might be very few available to begin the process of reconstruction. If Roberts's suggestion was accepted then the need for the refugees to return might not be so pressing.

This disagreement between Milner and Roberts prompted much discussion amongst Colonial Office officials. Most, in fact, favoured the larger number but were aware how much this would cost; consequently, Chamberlain told the War Office that as Milner regarded a force of 6,000 men as the basic establishment, and Roberts felt an extra 4,000 men were necessary 'to cope with the existing state of affairs' then the additional number ought to be met by the Army Vote for the garrison in South Africa.<sup>117</sup> Apart from this intervention, the Colonial Office remained quiet during the ensuing row between Roberts and Milner, and the War Office was left to act as mediator. This was due, it seems, to the fact that on 22 October Chamberlain had stipulated in the proclamation of inauguration that the South African Constabulary (SAC) might occasionally 'discharge military duties.'<sup>118</sup> From then on the SAC were virtually regarded as part of the army which reduced the Colonial Office's influence over SAC affairs.

Roberts's desire to see the police force begin operations at maximum capacity can be attributed to two factors. First, to reinforce the impression that the war was indeed over and police work would be sufficient to finish off the commandos; secondly, to relieve the pressure being exerted from London for the return of troops and a reduction in costs. The latter point was perhaps the most pressing at the time. The election campaign in Britain was at its height, but the government had not gone into it with much confidence. Lord Salisbury, in particular, showed little faith in the electorate especially as no government had been returned for nearly fifty years, and his pessimism affected other ministers.<sup>119</sup> Within the Cabinet there were already signs of strain owing to the situation in South Africa. The apparent ending of the war had naturally raised expectations, especially those of Hicks Beach. He expected to see troop numbers being reduced, but nothing appeared to have been done. Consequently, he warned Salisbury that Britain's financial position 'is becoming very grave.' Hicks Beach had even analysed the military situation and felt that

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<sup>117</sup> CO Minutes, 9-16 Oct 1900; CO to WO, c.16 Oct 1900, CO 417/294/ff.490-493.

<sup>118</sup> T. Jeal, *Baden-Powell* (London, 1989), p.332. The proclamation was dated 22 October 1900.

<sup>119</sup> Marsh, pp.302-303.

a large garrison was maintained in Cape Colony unnecessarily; he also felt that troops on the lines of communication were not required, 'now that there is no army in the field against us...For all I know, there may be a similar useless force in Natal.' Hicks Beach considered that money was being wasted for no apparent reason.<sup>120</sup> Understandably, the Cabinet would have liked to have seen costs being reduced, in order to offer something concrete to the voters. As a result, Lansdowne again asked Roberts for his views about the future garrison of South Africa, to which Roberts replied once more that until the police force was operational it was impossible for troops to leave South Africa. As a riposte to Hicks Beach, Roberts explained also that the garrison in Cape Colony numbered 20,000 men and both he and Milner wanted that part of South Africa well garrisoned. No explanation was offered but the deterrence of rebels and the guarding of prisoners were clearly of prime concern. In an attempt to mollify the Cabinet, Lansdowne presented this correspondence on 15 October, to show that both he and Roberts were aware of the situation.<sup>121</sup>

In order to defend himself, Roberts explained to Lansdowne that Milner's plans regarding the police were inadequate. He believed strongly that only police work was required and wanted the imperial authorities to provide a grant in aid to the new colonies if they could not afford the extra men.<sup>122</sup> Lansdowne agreed to this and informed the Colonial Office accordingly.<sup>123</sup>

While these ideas were being considered, Milner, for some reason, believed Roberts had agreed to see the numbers of the SAC limited to 6,000 men. Why he should think this is not clear. It may have been due to a lack of communication on the issue between the two men. Indeed, most of October was taken up by correspondence on the refugees, so Milner may have reached the erroneous conclusion that Roberts had not decided to pursue the matter further. Milner was concerned anyway that the SAC would

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<sup>120</sup> Hicks Beach to Salisbury, 1 Oct 1900, SP HBC/ff.222-223.

<sup>121</sup> 15 Oct 1900, CAB 37/53/70. This included Lansdowne to Roberts, (tels.), 9 Oct 1900; Roberts to Lansdowne, (tels.), 10 Oct 1900. Hicks Beach was so concerned about the rate of expenditure that he felt he ought to consider his own future in the government, Hicks Beach to Salisbury, 15 Oct 1900, SP HBC/f.226.

<sup>122</sup> Roberts to Lansdowne, (tel.), 10 Oct 1900, WO 105/32/1322.

<sup>123</sup> WO to CO, 25 Oct 1900, CO 417/307/f.244.

never be able to recruit more than 6,000 men owing to present circumstances. He did not elaborate, but probably meant that owing to the guerilla war, and the fact the irregulars were not being disbanded, there would barely be enough recruits.<sup>124</sup>

Later, Milner expressed his views on the police more forcibly. By the end of October Milner's hopes, raised by the capture of Komati Poort, had been dashed. No progress had been made on any major problem, and Milner felt, mistakenly, that only on numbers had any headway been made. Milner explained that the British would look foolish if they recruited too many men; they would look doubly foolish if they paid them too much money. Milner was convinced 5/- a day would be enough to recruit 6,000 men and more if necessary. Furthermore, if the new colonies had to pay for the extra men, on top of what they were paying already, then this meant they would contribute less in reparations. For Milner a strong police force was ideal for the strategy he advocated. Here Milner launched another attack on the 'scouring policy' still being pursued by Roberts. By using the SAC to patrol between strong-points, Milner felt it would be possible 'to substitute within that area the policy of protection for that of reprisal.' Similarly, this meant an end to the wholesale destruction of farms and a return to farm-burning as a definite punishment. Indiscriminate destruction now appalled Milner as wasteful and designed to increase the numbers of those in arms against the British.<sup>125</sup> This was a plain indictment of Roberts's system - or lack of it. Milner had now launched an attack on the Field-Marshal and was attempting to enlist the aid of the British government to press home his offensive.

On 7 November, the Colonial Office informed the War Office that Milner believed Roberts had agreed to keep SAC numbers at 6,000 for a certain period.<sup>126</sup> This news must have surprised Brodrick, the new Secretary of State for War, who had replaced Lansdowne following the general election in October. He had been bullying the Cabinet and particularly Hicks Beach into acquiescing to Roberts's demands, and had appealed to Salisbury for his unreserved backing. Brodrick was concerned about the severe measures Roberts was using in the new colonies. He preferred to see farm-burning as an exemplary

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<sup>124</sup> Milner to Chamberlain, 22 Oct 1900, CO 417/295/f.26.

<sup>125</sup> Milner to Chamberlain, 28 Oct 1900, JC 13/1/78.

<sup>126</sup> CO to WO, 7 Nov 1900; CO Minutes 26 Nov 1900, CO 417/307/ff.247-248, 417-418.

punishment and may have been less than impressed by Roberts's assertion that when railway or telegraph lines had been destroyed, 'the district within a ten mile radius is cleared of supplies.'<sup>127</sup>

Brodrick's concern about the tactics being employed in the new colonies was not engendered solely by the situation in South Africa. Brodrick was more interested in preparing his ground and plans for battle in the Cabinet so he could pursue his schemes to reform the War Office and the army. This was the main reason why he had enlisted Salisbury's help. Brodrick, therefore, wanted to see some progress made in South Africa, and from Milner's reports he concluded nothing substantial was being done.

In his first major communication with Brodrick, Milner attacked both Roberts and Kitchener. It seemed Kitchener's unresponsive attitude to Milner's suggestions of 31 October had convinced him that Kitchener was not to be trusted. Milner explained to Brodrick that Roberts had done all he could and was tired out. 'He will recover...but not here in South Africa. His S.African work ought to close now.' Kitchener was stale and 'Worse than that, he is in a hurry.' Accordingly, the time had come, as he had said often in the past, for the subjugation of the country:

The fatal error is not to hold District A & make sure of it before you go on to District B. I mean the fatal error latterly, not at first, when you had to rush. The consequence is we have a big army campaigning away in the front & the enemy swarming in the country behind it.<sup>128</sup>

For Milner this might have been his last chance to influence the future conduct of the war, hence his direct attack on Britain's two leading soldiers. Perhaps for the first time, Milner actually found the Cabinet receptive to his ideas. Indeed, the Cabinet had become apprehensive about the methods employed by Roberts. Salisbury told the Queen that the Law Officers of the Crown doubted whether his tactic of destroying farms within a ten-mile radius of a Boer attack on railway or telegraph lines was within the laws of war. Chamberlain preferred to see individuals punished not property as this was arbitrary and affected the innocent. Consequently, Brodrick was obliged to ask Roberts to explain

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<sup>127</sup> Brodrick to Roberts, (tel.), 7 Nov 1900, WO 105/30/f.182; Roberts to Brodrick, (tel.), 8 Nov 1900, WO 105/32/1480; Brodrick to Salisbury, 28 Oct 1900, SP SJBC/ff.140-143.

<sup>128</sup> Milner to Brodrick, 5 Nov 1900, SJB/PRO 30/67/6. [Milner's italics].



his methods and suggested whether it might be possible to proclaim districts which had been effectively occupied by the British.<sup>129</sup>

The effect of Milner's attack had seemingly instilled in Brodrick a determination to get Roberts out of South Africa and into his new job as C-in-C in Britain, and to get the largest number of SAC in the field. No thought, however, was given to the likely relationship between Milner and Kitchener, Roberts's successor, or how the next campaign would be conducted. The weakness of Brodrick's hand was that he could not order Kitchener to respond to Milner's interventions: this would invite his resignation. After all, Kitchener was the military 'expert' and if Brodrick intervened his actions might be construed as undue interference. In any case, Brodrick, like many others, felt that Kitchener was the ideal man for the job of pacifying the country, owing to his severe reputation. Instead Brodrick hoped that a substantial police force would help win the guerilla war without causing civil-military friction.

Thus once Brodrick heard from the Colonial Office that Roberts had agreed to the lower figure, he became greatly concerned. The guerilla war would be prolonged, invite civil-military disputes, and upset the accord he had reached with Hicks Beach. Consequently, he addressed Roberts on the issue on 9 November and found that Roberts had agreed to no such thing.<sup>130</sup> Roberts's motives for adhering to his viewpoint are not hard to fathom. He was acutely aware of the need to reduce troop numbers and, therefore, expenditure. More police, who were also considered better against the Boers, meant the release of more troops. Moreover, once the police were operational, and on a grand scale, Roberts could state the war - the conventional war - was over. He could then leave South Africa sooner rather than later.

In Cabinet, Brodrick and Hicks Beach had agreed that if 10,000 SAC were recruited they could relieve 25,000 infantry. The Cabinet agreed, therefore, to pay for the extra 4,000 men if the new colonies could not cope with the added costs. The savings anticipated by this measure would be more than enough to settle payment for the extra men. Consequently, Roberts was asked if this was a reasonable assumption and promptly

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<sup>129</sup> Salisbury to the Queen, 23 Nov 1900, CAB 41/25/50; Brodrick to Roberts, (tels.), 23 Nov 1900, CAB 37/55/234; Chamberlain to Milner, 25 Nov 1900, JC 13/1/92A.

<sup>130</sup> Brodrick to Roberts, (tel.), 9 Nov 1900, CO 417/307/f.421; Roberts to Brodrick, (tel.), 13 Nov 1900, WO 105/32/1517.

replied it was. He also told Milner of this, saying he had agreed to it because 'The [settlement] of the Transvaal and the ORC depends much more on police than military arrangements. This was my experience in Burmah & I hope you will agree with me.'<sup>131</sup> Also, in answer to Brodrick's enquiries of 23 November, Roberts told him that officers had taken advantage of the latitude given them in order to combat the commandos. But it was up to them to make full enquiries before ordering the destruction of property. He added, 'but as it is essentially police work I anticipate that when our police force is established we shall find the necessity of burning houses less and less...'<sup>132</sup> Roberts was obviously saying the army could not be blamed because it was undertaking a task it was not trained to do. Therefore, it was up to the politicians to hurry the creation of the SAC, release the army from its onerous work, and thus lessen the damage done to property. It was nothing to do with Roberts and he could do nothing more.

Milner did not have much choice in the matter once the government had convinced themselves of the benefits of having a large SAC. As the government was willing to pick up the bill, Milner could not argue, but felt the extra police might not be found, especially as Kitchener was finding it difficult to release irregulars owing to the paucity of troops.<sup>133</sup> Milner's main worry, of course, was that as the government had accepted Roberts's advice, they had in fact endorsed the use of the police in a military capacity, as replacements for troops. The only victory gained by Milner was that Roberts could now leave South Africa. The future, however, remained uncertain: Kitchener was still an unknown quantity and the war seemed far from over.

For his part, Roberts had been able to relieve the pressure on himself and Kitchener for troop reductions because of the government's desire to see a large police force, and because of his protestations that the guerilla war was police work. The politicians now hoped that troop reductions would become a reality once the police force was fully operational; after all, Roberts had assured them 10,000 policemen were worth

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<sup>131</sup> Brodrick to Roberts, (tel.), 23 Nov 1900, CAB 37/55/234(4); Roberts to Brodrick, (tels.) 24 & 26 Nov 1900, WO 105/32/1600, 1609; Roberts to Milner, (tel.), 24 Nov 1900, CO 417/296/f.89.

<sup>132</sup> Roberts to Brodrick, (tel.), 26 Nov 1900, WO 105/32/1614.

<sup>133</sup> Milner to Roberts, (tel.), 26 Nov 1900, CO 417/296/f.90.

25,000 infantry. Hopes and expectations had been raised once more. The SAC united most politicians in the belief that it was the panacea for ending the war.

In the end Milner was glad to see Roberts go, as were many others, soldiers included.<sup>134</sup> The guerilla war had defeated Roberts's talents and his experience in Burma did not help in South African conditions. But the fact that Roberts's campaigns had changed the face of the war were well remembered. He returned to Britain the greatest hero since Wellington and no politician could stand up to that sort of reputation. In South Africa, nothing had changed except personnel. Milner still had to deal with a leading military figure. The only hope was that the guerilla war might be finished quickly.

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<sup>134</sup> Many thought Roberts was worn out, or not severe enough: most thought Kitchener would be severe including Rawlinson, RD 5201/33/7/III, 29 Sept 1900; also, B. Gardner, *Allenby* (London, 1965), p.42; G.J. De Groot, *Douglas Haig 1861-1928* (London, 1988), pp.84-86. Haig thought Roberts 'a silly old man.'

## **CHAPTER FOUR.**

### **THE BATTLE FOR CONTROL:**

#### **2.KITCHENER, MILNER AND THE BRITISH GOVERNMENT.**

**December 1900-April 1902.**

On 29 November 1900, Lord Kitchener succeeded Lord Roberts as the C-in-C(SA). Kitchener's appointment raised expectations that a significant change in the direction of the war would occur. Whereas Roberts had been perceived as too 'gentlemanly' in his operations against the guerillas, Kitchener was expected to end the war with the same ruthless efficiency which had characterised his conquest of the Sudan. However, as both he and Milner held differing views regarding the prosecution of the war, this triggered a long running dispute which further shifted the balance of civil-military relations in Britain and South Africa.

Kitchener wanted an all out effort to defeat the Boers, to ensure his army received all necessary resources, and to give civil reconstruction a low priority. Milner wanted to marginalise the war, to downgrade the military effort and give precedence to civil reconstruction. Underlying these differences was something more fundamental: the character of the future South Africa. An integral part of both Milner's and Kitchener's strategies was the treatment of the Boer leaders. Milner wanted to undermine their authority and exclude them from political matters. He hoped to form a new leadership from within the fortified zones, comprised of those willing to settle under British rule. For Kitchener, the future peace of South Africa could only be assured by a military victory, followed by negotiations, after which he expected the Boer leaders to accept their fate and settle down as citizens of the Empire. Otherwise, he felt there would always be a discontented, rebellious element within Boer society. Moreover, there was growing discontent within the officer corps, caused by several factors, including concern over the prolongation of the war, and about how the capitalists would benefit afterwards. Thus, the dispute between the two officials, to which both the British government and Lord Roberts were party, highlighted the dilemma facing the British authorities as a whole. From it two persistent major questions arose: what was the nature of the war in the region? And how was it to be fought? In attempting to answer these questions, the British authorities, both

civil and military, were forced to consider who should exercise supreme control in South Africa: the High Commissioner or the C-in-C.

The British government became extremely anxious about the continuing war. Spiralling costs and the need to consider domestic and foreign issues found ministers unable to decide on a policy in South Africa. Fearful of the electorate and its own party, the government had to steer a middle course for much of the period. Ministers felt they would antagonise public opinion if they spent more money on the war, or did not provide enough. Should they crush the Boers or should they negotiate? And, importantly, how far should the government allow Kitchener to exercise military authority without consideration of political factors, such as costs and imperial policy? Moreover, disputes between ministers threatened Cabinet cohesion. The two new service ministers, Brodrick and Selborne, who was now First Lord of the Admiralty, were both keen to increase expenditure, whilst the Chancellor was determined to cut back.<sup>1</sup> Thus, with army reform and naval expansion both on the political agenda, combined with the near impossibility of Kitchener's task, the British government was faced with a major political headache.

Ultimately, Milner sought to impose his own policy in South Africa, by enlisting the aid of the British government. Milner presented his schemes as panaceas, providing the direction which the British government lacked. Consequently, the politicians decided to impose a solution on Kitchener which they believed would end the war and secure political objectives. In the end, however, the politicians were faced with the disagreeable task of having to acknowledge Kitchener's authority in South Africa, and the subordination of political considerations to military requirements.

The chapter comprises seven parts. The first examines the period between December 1900 and February 1901 and shows how both the politicians and soldiers reacted to the escalation of the guerilla war, particularly after the Boers invaded Cape Colony. Section two concentrates on the peace talks at Middelburg, on the development of a 'military' viewpoint towards the war, and the growing antagonism between Kitchener and Milner. After the collapse of the talks Milner became totally disillusioned with Kitchener and sought to undermine his authority. Section three, therefore, examines how Milner persuaded the British government to implement his policies in South Africa.

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<sup>1</sup> Yakutieli, p.138.

Section four deals with the dispute between Roberts and the British government and how this began to affect relations between Kitchener and Milner. It also examines the period between July and August 1901, the high point of Milner's success, but shows how he undermined that success by antagonising Roberts and by agreeing to have Cape Colony cleared of rebels before changing military strategy throughout South Africa. Section five shows how Milner's policy was finally undermined by Kitchener's refusal to implement his schemes, by dissension within the Cabinet, and Roberts's backing of Kitchener. It examines the crucial period when the British government contemplated Milner's request to have Kitchener sacked and when, after due consideration, ministers realised their fate was more or less tied to that of Kitchener's. Section six deals with the aftermath of the British government's decision. Milner still tried to undermine Kitchener but without the same vigour. Finally, Section seven concludes the chapter by examining the peace talks. Several historians have already written about the general course of the talks and it is not intended to discuss them in detail here.<sup>2</sup> Instead this section emphasizes how the views of the military and the British government merged during the talks in favour of a negotiated settlement. Milner's isolation, apparent after his failure to get Kitchener sacked, became real as he alone urged 'unconditional surrender.' Consequently, Milner failed to impose his own ideas and policies in the face of government and public exhaustion.

## I

On 16 December 1900, two Boer commandos invaded Cape Colony and opened a new phase in the war. Following the occupation of Komati Poort, the Boer leadership had met at Pietersburg in northern Transvaal to decide future strategy. There they resolved to continue the guerilla war and, significantly, to carry the war into Cape Colony, where they believed there awaited substantial support. The pursuit of this strategy ensured the war continued unabated. Consequently, British expectations, which had arisen on the departure of Roberts, evaporated, as both the politicians and generals searched for new ways to end the war.

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<sup>2</sup> For a fuller account of the peace negotiations see J.D. Kestell, *Through Shot and Flame* (London, 1903); Le May, pp.125-154; Pakenham, pp.551-571; Amery (ed.), *Times History*, V, Chapter 21.

On 24 November, Brodrick told Kitchener that the government harboured serious doubts about the conduct of operations. The army in South Africa numbered 230,000 men, and Brodrick believed they faced only 8,000 Boers. He wondered whether British strength was being wasted trying to pacify the whole country and protect the cleared areas.<sup>3</sup> His remark, 'It has been suggested to us,' revealed that he was forwarding Milner's views which he had received earlier, perhaps testing Kitchener's reactions to them. Even so, the difficulties before the British government were real enough, and this despatch was clearly intended to remind Kitchener to hurry his preparations, and to implement his plans. Brodrick stated that the war had already cost £80 million, at £2.5 million a month; a further £15 million was required to prosecute the war until March. Troops were stale, there were hardly any regulars left in Britain; and the volunteers and militia had been embodied far too long. It was a bleak picture, but Brodrick hoped Kitchener had something planned; he also hoped that Kitchener and Milner would work together amicably, and begin starting work on the Rand.

Milner's views had had some effect on ministerial attitudes. From Brodrick's despatch it seems that ministers, having removed Roberts, were now determined to maintain some control over events in South Africa. Not long afterwards, in early December, Brodrick questioned Kitchener on the extent of farm-burning and hoped such a punishment was inflicted only in extreme cases. Kitchener confirmed this was so and that he had issued orders to that effect.<sup>4</sup> Thus from the outset, the government had practically accepted Milner's ideas, which provided guidelines for Kitchener to operate in. Brodrick's despatches, however, were instructions and suggestions, not orders: it was too early to question Kitchener's leadership. Moreover, while accepting that the military conduct of the war had not been a total success, ministers were conscious of the lessons learnt as a result of political interference earlier in the war.

Kitchener appeared co-operative. He had issued instructions making farm-burning a last resort, and, as yet, had not formed any clear conviction about dealing with the commandos. That his job was going to prove difficult was confirmed by events a few days later. On 13 December, General Clements's force was defeated at Nooitgedacht. It

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<sup>3</sup> Brodrick to Kitchener, 24 Nov 1900, KP 22/Y4.

<sup>4</sup> Brodrick to Kitchener, (tels.), 4 Dec 1900; Kitchener to Brodrick, (tels.), 5 Dec 1900; Brodrick to Kitchener, (tel.), 6 Dec 1900, CO 417/307/ff.581-582.

showed that talk of reducing troops was too premature. Through the medium of Lord Roberts, Kitchener wrote back saying he wanted fresh troops; his forces were overstretched holding what they had and defending the railway lines at the same time.<sup>5</sup> The vitality and vigour of the Boer forces increased fears in London and South Africa, and Kitchener was able to use this as a reason for obtaining more troops. It was not to be the only time a Boer victory would scupper ministerial attempts to get Kitchener to reduce his forces. Consequently, Brodrick promised to do everything in his power to provide Kitchener with the manpower he required, although he did question the nature of Kitchener's dispositions, and wondered whether these might be contracted to spare troops:

We cannot help it if the Boers overrun some places which we cannot defend, but the outlook will be serious if these attacks continue to be successful.<sup>6</sup>

The invasion of Cape Colony on 16 December 1900, coupled with Clements's defeat, shattered any lingering complacency amongst soldiers and politicians alike. Kitchener realised that the invasion would overstrain his already stretched manpower resources. In replying to Brodrick's note of 24 November, Kitchener used the opportunity to express his opinions. First, he objected to the withdrawal of troops from areas already occupied as this would give the Boers the opportunity to 'put up their flag and start a sort of government again.' Secondly, he estimated Boer numbers at 20,000 a figure greater than that supposed by the government. (It is probable Brodrick used Milner's figures). Thirdly, as a measure against the Boer supply lines, Kitchener said he intended to take the women off the farms and laager them near the railway; thus encouraging burghers to join them there in relative safety.<sup>7</sup>

For the British government, the situation was alarming but not serious, although differences of opinion began to surface as ministers reviewed the crisis. Salisbury promised Brodrick that Kitchener would have the men he wanted, even if the Treasury resisted. His solution, however, was draconian, although it presaged the nature of the war to come; he told Brodrick, 'You will not conquer these people until you have starved

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<sup>5</sup> Kitchener to Roberts, 14 Dec 1900, RP 33/f.6.

<sup>6</sup> Brodrick to Kitchener, 15 Dec 1900, KP 22/Y8.

<sup>7</sup> Kitchener to Brodrick, 20 Dec 1900, KP 22/Y9.



them out.’<sup>8</sup> Hicks Beach said the worst aspect of the situation was the lethargic response of the Cape government, especially as the invaders were so few in number.<sup>9</sup> Chamberlain felt the invasion to be serious, and deemed it necessary for more mounted troops to be sent to South Africa. As he told Brodrick:

If you want money or men from the Cabinet you ought to have both at once. A shilling saved now means pounds lost hereafter.<sup>10</sup>

However, Chamberlain wanted to make sure that the need to restart the mines should not be lost in the general uproar over the Cape. Brodrick told Roberts that Kitchener’s request for extra troops and the obvious need for them meant trouble with Hicks Beach, who was still calling for reductions.<sup>11</sup> Thus, ministers began to take sides, although the motives for doing so were disparate. For instance, Chamberlain’s chief reason for backing Kitchener was to ensure the mining industry was restarted, as a sort of *quid pro quo*. Brodrick was a friend and admirer of Kitchener, and regarded him as a future asset in his plans to reform the army.<sup>12</sup> Brodrick was therefore determined to support him as part of his struggle against Treasury intransigence. Hicks Beach simply did not want to sanction an increase in men and resources when, to him, the nature of the war did not appear serious enough. Even so, Brodrick and the Cabinet were not averse to Kitchener’s scheme to send delegates from the Burgher Peace Committee to commandos in the field, in an attempt to induce them to surrender.<sup>13</sup> Furthermore, Brodrick reminded Kitchener that the Cabinet wanted to see the Rand restarted, although he added after Kitchener had ‘dealt with the present raid,’ an indication perhaps of the Cabinet’s anxiety regarding the progress of the invasion.<sup>14</sup>

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<sup>8</sup> Salisbury to Brodrick, 19 Dec 1900, SJB/PRO 30/67/6.

<sup>9</sup> Hicks Beach to Chamberlain, 23 Dec 1900, JC 11/18/1.

<sup>10</sup> Chamberlain to Brodrick, 21 Dec 1900, JC 11/8/5.

<sup>11</sup> Brodrick to Roberts, 20 Dec 1900, RP 13/f.12.

<sup>12</sup> Brodrick and Kitchener had met at Panshanger. Kitchener was adept at acquiring friends and supporters within high society. Royle, pp.149-150.

<sup>13</sup> Kitchener to Brodrick 27 Dec 1900; Brodrick to Kitchener, 28 Dec 1900, (tels.), CO 291/32/f.373.

<sup>14</sup> Brodrick to Kitchener, 28 Dec 1900, KP 22/Y10.

By the end of 1900 the extent of the Boer offensive and the stamina of their forces were becoming apparent. Everywhere the Boers were on the attack and gaining victories. On 26 December they had attacked the goldfields at the South Rand mine. On 4 January 1901, Kitchener's Bodyguard was defeated at Kronspruit. Six days later, as an example of Boer resolution, Morgendaal, a delegate from the Burgher Peace Committee, was murdered in De Wet's laager. In Cape Colony, the commandos had re-ignited the rebellion, forcing the British authorities, by 17 January, to declare almost the whole Colony under martial law.

After an anxious period, both Milner and Kitchener highlighted the unsatisfactory situation to their superiors in London, but stressed it was not disastrous. Milner felt the Cape government was taking the invasion seriously and beginning to show some energy in formulating counter-measures. He also believed that stale troops needed replacing. Kitchener felt the invaders had not inflicted great damage and that the situation was under control. Kitchener, like Milner, hoped the peace committee would succeed, but added an opinion which was significant for future developments:

my view is that if we could only hit hard, and at the same time leave the door open we might get the Boers to give up but I am not sanguine of success.<sup>15</sup>

Yet for the British government, the continuing disturbances in Cape Colony and elsewhere undermined any reassurance offered by Milner or Kitchener. Brodrick was extremely anxious. On 10 January, he told Salisbury that he expected a further demand for troops from Kitchener.<sup>16</sup> Although some 2,000 fresh troops were being sent out the need for more drafts was urgent, and he explained to Chamberlain about the difficulties his department faced; he would have to use the SAC as reinforcements, and implied the SAC would have to be placed under military command. Otherwise, if he gave the go-ahead for various agents to recruit for the Yeomanry it would 'give the final *coup de grace* to your Police.' And, so that the gravity of the situation was not lost on Chamberlain, he added:

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<sup>15</sup> Milner to Chamberlain, 3 Jan 1901, JC 13/1/108; Kitchener to Roberts, 4 Jan 1901, RP 33/f.9.

<sup>16</sup> Brodrick to Salisbury, 10 Jan 1901, SP SJBC/ff.164-165.

The business presses and we have no more cavalry to send - only 3 Line Regts left in England & no mounted infantry.<sup>17</sup>

A further problem for Brodrick was the attitude of Hicks Beach, who could not understand why fresh troops were required when too many of those in South Africa were spread out doing nothing.<sup>18</sup> The uneasy alliance secured with Hicks Beach in November, regarding the SAC and troop withdrawals, was breaking apart.<sup>19</sup>

Moreover, Milner's uneasy relationship with Kitchener was under severe strain. Milner's latent contempt for the ability of British generals was reawakened following the success of the Boer offensive. Although he realised Kitchener was not receptive to his way of thinking, he was, for the moment, prepared to give him the benefit of the doubt. He knew nothing of Kitchener's plans, but said he was prepared to wait; and despite nothing being done to restart the mines, Milner hoped Kitchener's scheme to recruit a Rand defence corps might presage something more substantial.<sup>20</sup> Unhappily for Milner his patience was eroded throughout January and February, as news from elsewhere seemed to confirm the inadequacy of military administration. General Pretymann continued to be a valuable source of information, and apparently justified Milner's suspicions that Kitchener's plans either lacked substance, or were ineffectual. Pretymann explained about the evacuation of important towns in the ORC, such as Jagersfontein and Smithfield. Evidently, Kitchener wanted garrisons removed to provide troops for field operations, which meant:

that our attempt to build up a fabric of civil government in the districts has come to a stand still, very little can now be done far from the line of railway.<sup>21</sup>

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<sup>17</sup> Brodrick to Chamberlain, c.10 & 10 Jan 1901, JC 11/8/6, 9.

<sup>18</sup> Hicks Beach to Brodrick, 16 Jan 1901, SJB/PRO 30/67/7.

<sup>19</sup> Chapter 3, pp.132-133.

<sup>20</sup> Milner to Chamberlain, 17 Jan 1901, JC 13/1/118. Kitchener told Brodrick that it would be sometime before the mines were restarted, especially after the recent attack on the South Rand mine. Kitchener to Brodrick, 4 Jan 1901, KP 22/Y13.

<sup>21</sup> Pretymann to Milner, 2 Jan 1901, MP IV/A/173/ff.138-139.

Furthermore, the loyalists residing in these towns had been evacuated alongside the troops and were now resident in refugee camps; it was these people who suffered most, not the Boer sympathizers or commandos.<sup>22</sup>

Milner's own disenchantment was palpable. His first reply to Pretymann summed up his own frustration:

Of course, as long as our authority in the new Colonies is restricted to the lines of the railway and a few big towns my appointment as Administrator is more or less a farce. Military considerations are still absolutely supreme. I am therefore not attempting to do anything but allowing things to go on for the present on their old lines...<sup>23</sup>

Milner, however, was unable to sit back and let the military do as they pleased. On 29 January, he sent Chamberlain an extract from a letter written by General Ridley, the commander of the SAC, to his private secretary, Osmond Walrond. Ridley's letter seemed to endorse the ideas which Milner had vainly espoused to generals and politicians alike. Ridley explained his strategy at Bloemfontein, where he was forming concentric rings of police posts around the town. Interestingly, he announced he had used 35 burghers in action against the Boers. This last point was used by Milner as evidence to support his own ideas:

The bulk of the population want to stop, but they must *have something to lean on*. Our wandering columns do not give them that.

Milner was confident that the SAC would be valuable for this sort of work, and hoped they would not be taken by the military.<sup>24</sup> In December, Chamberlain had asked for Milner's opinions so that they might be published.<sup>25</sup> By the time he received this request, Milner's patience with the military had worn thin. Consequently, on 6 February 1901, he vented his anger and frustration, and stated that the last six months had been a period of retrogression, referring to the outbreak of guerilla war, and the new rebellion in Cape Colony. This was due to Roberts's flawed strategy, and, as a result, the concentration on

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<sup>22</sup> Pretymann to Milner, 13 & 29 Jan 1901, *Ibid.*, ff.133-136, 128-131.

<sup>23</sup> Milner to Pretymann, 7 Jan 1901, *Ibid.*, f.142.

<sup>24</sup> Milner to Chamberlain, 29 Jan 1901, *Ibid.*, f.123. [Milner's italics]. Ridley to Walrond, 19 Jan 1901, *Ibid.*, ff.124-127.

<sup>25</sup> Chamberlain to Milner, 22 Dec 1900, Headlam, II, pp.180-181.

the guerilla war meant that the loyalists were being ignored.<sup>26</sup> Milner was determined to use the chance of publicity to acquire the strength of loyalist opinion, and thus secure a counterweight against military obduracy.

The continuing guerilla war did have one effect at this time, it hardened the resolve of the government. Thus Brodrick informed Kitchener that:

We realise to the full the difficulties which you have to meet, will give you every support in our power, with full confidence that things will be better before long.<sup>27</sup>

All the Cabinet could do was to hope that the military difficulties would be temporary, and that an injection of more troops would enable Kitchener to end the guerilla menace. For the moment, at least, ministers felt they had no choice but to back Kitchener, and resolved to meet all his requirements.<sup>28</sup> Chamberlain, therefore, could offer Milner little concrete reassurance. He could only hope that Kitchener might meet with a military success against De Wet or Botha, and that some start might be made to get Johannesburg working again. Chamberlain confirmed that the Cabinet had agreed to recruit and send 30,000 reinforcements to Kitchener. Perhaps to justify the Cabinet's decision and appease Milner, Chamberlain somewhat exaggerated the problems faced by the government. Ministers, he wrote, had to hope some progress was made otherwise, 'public dissatisfaction may become serious and threaten the existence of the Government in spite of its enormous majority.'<sup>29</sup>

The war news remained discouraging. On 10 February, De Wet entered Cape Colony, having evaded all attempts to capture him. Kitchener explained that the country was too big and not every point could be watched.<sup>30</sup> Milner's assertion to Pretymann, that he would not interfere in military business, was ignored as the continual bad news provoked Milner to urge Kitchener to begin work at the mines. Milner realised that, for the moment, he could not ask Kitchener to alter his military strategy; but the resumption

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<sup>26</sup> Milner to Chamberlain, 6 Feb 1901, *Ibid.*, pp.193-202.

<sup>27</sup> Brodrick to Kitchener, 2 Feb 1901, KP 22/Y20.

<sup>28</sup> Salisbury to the King, 4 Feb 1901, CAB 41/26/2.

<sup>29</sup> Chamberlain to Milner, 7 Feb 1901, JC 13/1/121.

<sup>30</sup> Kitchener to Milner, 12 Feb 1901, MP IV/A/175/f.159.

of work in Johannesburg was, to Milner, both a weapon against the Boers and a linch-pin of his future plans. Therefore, a start would be a positive move at a time when the news was anything but encouraging.<sup>31</sup>

## II

The continued resistance of the Boers baffled the British authorities. The British army had conquered the Boer republics and apparently the Boers had lost the war. In an attempt to discover why the Boers remained defiant, the British government allowed Kitchener to put out 'peace feelers' to the Boer leadership. This policy culminated in March 1901 when Kitchener met the Transvaal commander Louis Botha at Middelburg, to discuss what terms would secure peace. These meetings greatly affected British civil-military relations, and revealed the growing division between military and political attitudes towards the war and the Boers. The discussions eventually revealed that Kitchener and Milner held differing views regarding the ultimate settlement of the war, and the place of the Boers within post-war South Africa. This section comprises two main parts; the first looks chiefly at the development of a military viewpoint regarding peace and the war itself; the second examines the talks between Kitchener and Botha.

The prospect of peace was explored by British officials throughout the period December 1900 and February 1901, despite the attention devoted to the conduct of the war. Chamberlain's speech in Parliament on 7 December 1900 indicated the British government's interest. Chamberlain spoke about the future settlement of South Africa, and stated that the Boers would only get self-government after a period of direct rule, and after they had demonstrated their loyalty.<sup>32</sup> Afterwards, Chamberlain requested that Milner respond to the speech as a gesture towards the British public, and to demonstrate the conciliatory policy of the British authorities. Again Milner used the opportunity to air his views, to impress upon public opinion that the commandos were ruthless and desperate, and that the best policy was the one he had advocated throughout 1900. Milner felt the best time to approach the Boers would be after the establishment of protected

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<sup>31</sup> Milner to Kitchener, 18 Feb 1901, *Ibid.*, ff.160-162.

<sup>32</sup> *Hansard*, 4th Series, LXXXVIII, 7 Dec 1900, 261-263; Garvin, III, p.620.

areas. He believed it was too early to make offers, because Chamberlain's speech had been viewed as a sign of weakness by the Bond newspapers:

From the political point of view I think there is only one thing which can hasten the submission of the Boers generally, and that is the spectacle of one or more fairly extensive districts so strongly held against raiders that we can promise any people willing to settle down in them efficient protection.

Furthermore, he hoped to see and encourage surrendered Boers to take up arms in defence of these protected areas, and Milner felt such men existed who from 'disgust at the continuance of the present aimless and ruinous resistance would stand by us.'<sup>33</sup> In all, Milner attempted to bolster his position in relation to the generals, and to air his views before a wider and, perhaps, more influential audience.

A sign of the government's concern regarding the likelihood of peace had been given by Chamberlain at the end of December. By then the second invasion of Cape Colony was underway, and although Chamberlain realised Milner was preoccupied with the problem, he did not want him to forget the need to promote ideas about peace. Chamberlain felt that the Boers' unresponsive attitude was due to their ignorance of his 7 December speech. (The Boers usually had access to information through an unofficial 'grapevine' between the British and Botha's headquarters). Chamberlain wanted to show critics that the government was being reasonable, and that the main impediment to peace was the irreconcilable attitude of the Boers. Although Chamberlain was conscious of the need to placate the loyalists, he did not want their obstinacy to be a barrier to peace:

we have to keep in mind the fact that the Dutch must in the long run live side by side with the English, and that the best settlement would be one which left them fairly satisfied with their condition.<sup>34</sup>

Already, the British government was moving away from the concept of 'unconditional surrender,' which had dominated their thinking during 1900. They had realised, no doubt, that the Boers might react positively to a more reasonable attitude. Moreover, military opinion was providing ministers with 'food for thought.'

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<sup>33</sup> Milner to Chamberlain, 11 Dec 1900, CO 417/296/ff.429-430.

<sup>34</sup> Chamberlain to Milner, 22 Dec 1900, JC 13/1/105.

Following Chamberlain's 7 December speech, Major Altham sent a memorandum to the DMI, which practically foretold the settlements of 1902 and 1906. Altham explained that the continuing war spelt ruin for the inhabitants of the two new colonies, and, therefore, would have a detrimental effect on the future government of the whole region. He said that Britain could not win the war by 'purely military methods.' But as severe measures were the only way to respond to guerilla warfare, it would ruin the Boers and any hopes of eventual federation. Consequently, Altham suggested that 'unconditional surrender' should be replaced by the Boers surrendering their arms and recognizing British authority. The Boers should then expect to be given self-government after a definite period of 'good conduct and loyalty.' Furthermore, money should be provided to help rebuild farms and replenish livestock; from the point of view of political economy, 'the money will be well spent if it terminates the war, and thus leads to the permanent settlement of South Africa.' The shorter the period of Boer probation the better. 'The Boers spring from the same Teutonic stock as ourselves, and have the same ingrained traditions and passion for self-government.' To do this would win over Afrikaner opinion in Cape Colony and reduce the need to leave large forces in South Africa after the war.<sup>35</sup> The Colonial Office minutes reflected the fact that Altham's opinions were taken seriously. Chamberlain wanted a copy sent to Milner and added, 'It is really an argument and a strong one against his view...'<sup>36</sup>

Altham's views are instructive and indicate a wider outlook which permeated the army at the time, and which developed as the war continued. By December 1900, certain officers were becoming disillusioned with the war. Many were beginning to question not only the policies and methods being used against the commandos, but the reasoning behind the war itself. Doubts were expressed about who would benefit after the war, and for whom the war was being fought.

The proximity of the gold-mining industry, and the Jewish origins of numerous Randlords, added a particularly sensitive aspect to the war, and one which was of interest to the army. At the beginning of the war, for example, one government critic, the radical

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<sup>35</sup> Altham to DMI, 7 Dec 1900, CO 417/307/ff.619-624.

<sup>36</sup> CO Minutes, 13 Dec 1900, *Ibid.*, f.619.



Liberal John Burns, called the army the 'Janissary of the Jews.'<sup>37</sup> This issue effectively undermined the faith of officers in the cause for which they were fighting. Anti-semitism pervaded all classes of society; in the landed gentry and aristocracy it combined with a general distrust and loathing of capitalists, especially those who had made their fortunes from speculation and trade.<sup>38</sup> It was from this class that the officer corps was largely drawn. The officer corps, that is from lieutenant upwards, was predominantly gentrified and from an aristocratic background, contributing to the army in 1899 some 63% of colonels and 62% of generals. The connections between army officers and their backgrounds remained solid as many officers returned, even whilst serving, to take up jobs which perpetuated the values, assumptions and structure of rural society.<sup>39</sup> Moreover, the social life of officers and the restricted nature of officer recruitment ensured that officers came from the same social background. The army offered a good opening career because, as Lord Wavell later wrote, 'commercial business was not in those days considered a suitable occupation for a gentleman.'<sup>40</sup>

The army, of course, was in daily contact with the poverty produced by the industrial system. Owing to the lack of recruits the army had to take in those who would normally have been rejected. Most recruits, by the time of the Boer war, were from the industrial slums. Many were unhealthy, under-weight, under-height and disobedient. By contrast, the army prized agricultural labourers, men with whom officers felt an affiliation, owing to their own rural backgrounds. These men were considered fitter and more susceptible to military discipline, but they were a declining asset and eventually only 11%

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<sup>37</sup> Cit. G. Wheatcroft, *The Randalords* (London, 1985), pp.204-206.

<sup>38</sup> M.L. Bush, *The English Aristocracy. A Comparative Synthesis* (Manchester, 1984), pp.72-76; D. Cannadine, *The Decline and Fall of the British Aristocracy* (London, 1990), pp.345-346; W.E. Houghton, *The Victorian Frame of Mind* (London, 1973), pp.183-195. F.M.L. Thompson, *English Landed Society in the Nineteenth Century* (London, 1963), pp.292-302; M.J. Wiener, *English Culture and the Decline of the Industrial Spirit 1850-1980* (Cambridge, 1981), Chapters 1-5.

<sup>39</sup> G. Harries-Jenkins, *The Army in Victorian Society* (London, 1977), Chapter 2; E. Spiers, *Late Victorian Army*, pp.159-161. For a discussion on how these values persisted in the Edwardian army see T. Travers, *The Killing Grounds. The British Army, the Western Front and the Emergence of Modern Warfare 1900-1918* (London, 1987), Introduction and Chapter 1.

<sup>40</sup> Cit. E. Spiers, *The Army and Society 1815-1914* (London, 1980), p.10.

of the Edwardian army comprised such men.<sup>41</sup> Thus it is suggested that the prejudices which distinguished landed society, its anti-bourgeois ethos coloured by anti-semitism owing to the proliferation of Jewish capitalists, permeated the officer corps as well.

Once war had broken out the prejudices of the officer corps emerged. Buller resented having to help the besieged town of Kimberley because it was the headquarters of De Beers, and would not tailor his strategy to suit Cecil Rhodes. Evidently, Buller thought the British and Colonial governments far too subservient to capitalist interests. According to his biographer, Buller never felt he could rely on Kimberley, either to hold out or take risks for Britain's cause.<sup>42</sup>

The resistance of the Boers invoked a latent admiration within many officers who were surprised, at first, by the Boers' martial abilities. The Boers showed themselves to be gifted amateurs, experts in field-craft with skills honed from a healthy, rural existence, away from the debilitating effects of the city. In short, they were everything the average British recruit was not.

As the guerilla war dragged on these views crystallized further. In June 1900, Percy FitzPatrick noticed a perceptible anti-Johannesburg/anti-Jewish attitude amongst individuals and agencies whom he deemed antagonistic towards the mining interest.

The army, correspondents and visitors, almost without exception, as they go home, express strong feeling against the mineowners, capitalists, "Jews of Johannesburg," etc. etc...<sup>43</sup>

Captain Colin Ballard thought the Uitlanders were a 'repulsive lot' adding 'the more I see of Brother Boer the more I like him.'<sup>44</sup> Ballard served throughout the war and his letters reveal a growing discontent with what he considered the army was fighting for. Indeed, to him British soldiers behaved like uncivilized barbarians by burning farms and 'bullying women.' In November 1900, he wrote, 'I hate the work we are doing and in fact

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<sup>41</sup> Spiers, *Ibid.*, p.47; B. Bond, 'The Late Victorian Army,' *History Today*, 11, (Sept 1961), pp. 622-623.

<sup>42</sup> Col. C.H. Melville, *The Life of General the Right Honourable Sir Redvers Buller* (London, 1923), II, pp.84-85.

<sup>43</sup> FitzPatrick to Evans, 20 July 1900, Duminy & Guest (eds.), *FitzPatrick Papers*, pp.270-273.

<sup>44</sup> Col. H.C.B Cook (ed.), 'Letters from South Africa,' *Journal of the Society of Army Historical Research*, 69, p.80.

I hate this whole war now and am becoming a rabid pro-Boer.<sup>45</sup> Various other letters are in this style. He wished he was not fighting for the Uitlanders and hoped Britain would be generous to the 'yeoman Boers.'<sup>46</sup> Ballard also revealed that Ernest Swinton, then an officer working in Johannesburg but later a pioneer of the tank and Chichele Professor of War at Oxford, despised the German Jewish Randlords, and thought it a pity British soldiers and yeoman Boers should be killed for their benefit.<sup>47</sup> At other levels there was antagonism between the British army rank and file and the Uitlanders. In the opinion of one Johannesburger, the fraternisation between the ordinary soldiers and the black population was anathema:

The sight of soldiers and blacks drinking out of the same pewter and carousing together, utterly destroys that *moral* power by which, after all, we keep in order the teeming black population; and tends most distinctly to insubordination.<sup>48</sup>

The British army therefore was imbued with prejudices which were reinforced by the campaign in South Africa. As a result, there were many who favoured negotiating with a worthy and honourable opponent.

Kitchener had also been active in trying to promote peace. He told Brodrick he had been utilising the Burgher Peace Committee, and in January he had managed to secure the services of ex-President Pretorius to see Botha. Kitchener explained that he envisaged the Boers asking for certain conditions before they surrendered, so he suggested therefore that the Boers be told that the native laws of the OFS would be maintained to allay their fears about the place of natives in post-war South Africa. Secondly, he felt that compensation for damage to private property could be arranged, especially if the mines paid for it, and believed £1 million would suffice. Thirdly, Kitchener knew the Boers might ask for an amnesty for rebels; he offered no opinion himself and just asked 'Will this be allowed?'

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<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*, p.181.

<sup>47</sup> *Ibid.*, p.246; Sir E. D. Swinton, *Over My Shoulder* (Oxford, 1951), p.135. Swinton's own remarks about this period are more restrained.

<sup>48</sup> Anonymous letter to Major Sir Bartle Frere in *Letters from an Uitlander 1899-1902* (London, 1903), p.111. [author's italics]. W.Nasson, 'Tommy Atkins in South Africa,' in Warwick (ed.), pp.132-133. Ordinary soldiers apparently did not get on with English-speaking colonists either. The colonists were often found to be less than welcoming, p.123.

Kitchener believed the Boers would want some guarantee that they would not be ruled by capitalists and would have some form of self-government; he explained, 'They are I believe absurdly afraid of getting into the hands of certain Jews, *who no doubt wield great influence in this country.*'

Kitchener also realised the Boer leadership was divided, that De Wet and Steyn were more fanatical than Botha. But this division, rather than providing an advantage which the British could exploit, tended to make the peace process more difficult. As Kitchener explained, none of them wanted to be the first to surrender. Kitchener was not sanguine about the success of any peace overtures; he did not give any reasons but the current Boer offensive must have demonstrated the fact that the Boers were not ready to give in - yet. For the present Kitchener was more hopeful that his own military operations would force the Boer leadership to the negotiating table.<sup>49</sup> This despatch clearly reflected his own opinions and revealed an inclination towards leniency. It is remarkable how similar Altham's and Kitchener's views were. What these expressions do show, however, was the high command's wider outlook, a perspective which included the problem of how to assimilate the irreconcilables into post-war South African society. Whereas Milner hoped to exclude the influence of men such as Botha, De La Rey, De Wet and Steyn, from the peace and reconciliation process, certain army officers and Kitchener expected these men, or some of them at least, to be part of that procedure.

Evidence of this development in Kitchener's outlook came on 22 February when he informed Brodrick that some progress had been made: Botha had agreed to meet him. Kitchener's initial reaction was to think that his military operations had convinced the Boers that resistance was futile. In his apparent euphoria over the prospect of peace, Kitchener warned the government what was expected of them:

I think a personal meeting may end the war if we are prepared not to be too hard on the Boers...It will be good policy for the future of this country to treat them fairly well. I hope I may be allowed to do away with anything humiliating to them in the surrender if it comes off.<sup>50</sup>

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<sup>49</sup> Kitchener to Brodrick, 25 Jan 1901, KP 22/Y18. [Kitchener's italics].

<sup>50</sup> Kitchener to Brodrick, 22 Feb 1901, KP 22/Y26. Kitchener also wanted to know 'how far I may have a free hand in discussing such points.' Kitchener to Brodrick, (tel.), 22 Feb 1901, CAB 37/56/27.

On 28 February 1901, Kitchener met Botha to discuss terms. Kitchener's instructions had been considered by the Cabinet and sent to him and Milner the day before. As Salisbury told the King, the two officials were required not to 'commit themselves in respect to specific proposals in detail until the precise terms in which those conditions were to be couched were submitted to Your Majesty's Government.'<sup>51</sup> Kitchener reported the gist of the talks to Brodrick and outlined the terms Botha wanted. Such matters as representative government; financial assistance; amnesty for rebels; and the franchise for blacks were discussed, with Kitchener promising that every consideration would be given to Botha's demands.<sup>52</sup> Kitchener was optimistic about the outcome, and clearly felt the terms wanted by Botha were reasonable. As he told Roberts:

If the Govt. wish to end the war I do not see any great difficulty in doing so but I think it will go on for some time if the points raised by Botha cannot be answered.<sup>53</sup>

However, difficulties had already developed. Brodrick wrote to Kitchener on 1 March, replying to his note of 25 January, and at the same time incorporating the government's views about the talks. Virtually every proposal Kitchener had forwarded was challenged. For example, no money could be promised to the Boers otherwise the Colonial governments would demand more; loyalists would not like rebels being granted an amnesty; and although the fear regarding rule by capitalists was acknowledged, the men who generated the wealth could not be excluded from government.<sup>54</sup> The outlook was not promising for Kitchener.

Milner met Kitchener at Bloemfontein on either 1 or 2 March. Milner had just left Cape Colony to take up his post as Governor of the Transvaal and met Kitchener half-way. He did so again, as it were, when discussing the talks, except on the point of amnesty which he later told Chamberlain was not:

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<sup>51</sup> Salisbury to the King, 27 Feb 1901, CAB 41/26/3.

<sup>52</sup> Kitchener to Brodrick, 1 March 1901, CAB 37/57/34.

<sup>53</sup> Kitchener to Roberts, 28 Feb 1901, RP 33/f.17.

<sup>54</sup> Brodrick to Kitchener, 1 March 1901, KP 22/Y28.

a point which His Majesty's Government can afford to concede. I think it would have a deplorable effect in Cape Colony and Natal...to obtain peace by such a concession.<sup>55</sup>

Milner had no faith in the negotiations and would have avoided them if possible. But at that stage Milner had no choice: the negotiations had taken place and the peace process was underway. Milner knew he could not openly sabotage the process. He believed public opinion favoured peace; he knew the government was concerned about costs; and Kitchener had told him that elements of the army could not be trusted. It seemed Kitchener had lost faith in the reliability of several units. Some of the militia regiments, had not proved capable or willing to fight their way out of precarious situations, as some of the actions in December and January had demonstrated. No doubt, with the poor standard of troops arriving in South Africa, Kitchener expected much the same to happen again. Thus Milner realised that all he could do was to ensure, or insist, that no desperate concessions were granted to the Boers.<sup>56</sup>

On 6 March, Chamberlain telegraphed the government's instructions to Milner. Basically, ministers endorsed Milner's views regarding the amnesty for rebels, and would not concede this point. On one other point, the government differed with both Milner and Kitchener. Ministers insisted that financial assistance should take the form of loans. Furthermore, Chamberlain added a section on the native question which Kitchener thought was unnecessary. The government insisted Blacks and Coloureds be treated the same as those in Cape Colony, with the civil rights they enjoyed.<sup>57</sup>

Kitchener thought the government's attitude incomprehensible. After receiving the terms and communicating them to Botha, Kitchener complained to Brodrick and Roberts. He deprecated the attitude of the Colonial Office, for not agreeing to assist the Boers financially, and for adding the extra clause about the civil rights of Blacks and Coloureds. As he told Roberts, 'I am much surprised the Cabinet were not more keen on getting peace as the expenditure on the war must be terrible.'<sup>58</sup>

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<sup>55</sup> Milner to Chamberlain, 3 March 1901, CAB 37/57/34.

<sup>56</sup> Milner to Violet Cecil, 2 & 8 March 1901, Headlam, II, pp.211-215.

<sup>57</sup> Chamberlain to Milner, 6 March 1901, CAB 37/57/34. Brodrick to Kitchener, 22 March 1901, KP 22/Y32.

<sup>58</sup> Kitchener to Roberts, 8 March 1901, RP 33/f.18; to Brodrick, 7 March 1901, KP 22/Y30.

General Rawlinson, recently arrived at Kitchener's headquarters, was similarly scathing. He also wrote to Roberts and echoed Kitchener's own words. 'It seems rather ridiculous to prolong this enormous expenditure in men and money simply for the sake of sending a few hundred men to prison.'<sup>59</sup> Perhaps the point to be emphasised here is not Kitchener's own view of the talks, but the prevailing view at headquarters. It seems to be indicative of a wider outlook, one based on the idea that the politicians were prolonging the war unnecessarily.

On 16 March 1901, Botha refused to accept the British terms. No reason was given: all Botha said was that he did not:

feel disposed to recommend [that] the terms of the said letter shall [have] the earnest consideration of my government.<sup>60</sup>

Both Milner and Chamberlain were relieved; as Milner explained to Violet Cecil, 'I hope we shall take warning and avoid such rotten ground in the future.'<sup>61</sup>

Some historians have focused on how Kitchener blamed Milner for the talks breaking down, believing that Milner's resistance to the idea of amnesty was the root cause of the failure.<sup>62</sup> Kitchener called Milner vindictive and was unable to fathom the reasoning behind the decision not to grant an amnesty.<sup>63</sup> However, Milner's vetting of Kitchener's proposals was not instrumental in guiding the response of the British government. Brodrick's despatch of 1 March showed that ministers already harboured grave doubts about the terms.

Milner was not the only one who Kitchener blamed. After further consideration, Kitchener vented his anger first on Botha, describing him as a 'pettifogging lawyer,' and then on those in Britain who had denounced the terms. It must be remembered that Kitchener's ideas had been germinating since the beginning of the year, if not before. He

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<sup>59</sup> Rawlinson to Roberts, 23 March 1901, RP 61/f.19.

<sup>60</sup> Kitchener to Brodrick, 16 March 1901, CAB 37/57/34.

<sup>61</sup> Milner to Violet Cecil, 22 March 1901, Headlam, II, p.215; Chamberlain to Brodrick, 18 March 1901, JC 11/8/17.

<sup>62</sup> Pakenham, p.499-450; Magnus, pp.224-225; J. Amery, pp.31-32.

<sup>63</sup> Kitchener to Brodrick, 22 March 1901, KP 22/Y33-36; to Roberts, 22 March 1901, RP 33/f.20.

believed that even if the Boers accepted unconditional surrender, the only way for a lasting peace would be to follow the terms he had advocated:

that is...if you really want to live in peace and security with them and be able to give them self-government later. The strain on the Empire will be very great if we are to have our Alsace 6,000 miles away instead of next door as Germany has.<sup>64</sup>

Much of this despatch contained, like that of 22 March mentioned above, Kitchener's ideas borne out of frustration and disappointment; hence the extremity of some of his views. Yet, Kitchener was concerned about the future of South Africa, and seen in this light his extreme views do have some purpose. If the British authorities were not willing to treat with the Boers then the only way to ensure lasting peace would be to resort to extreme measures, such as the deportation of the bulk of the population. Kitchener also raised more cogent points. For example, he felt a policy of divide and rule might suffice to keep South Africa quiet. He wanted to exploit the bitter feeling between surrendered Boers and those still on commando. He also knew that to proscribe Afrikaans would give the Boers a rallying point in the future. In effect, Kitchener told the British authorities that the only way to defeat the Boers, without negotiating, was to resort to a policy of severe measures to complement the work already being done, such as farm-burning and 'concentration' of civilians. Kitchener had warned ministers that without generous terms the war would be hard, unedifying and bitter.

Brodrick told Kitchener that he had informed the Cabinet of his views. Ministers, however, were adamant that 'the extreme limit of concession has been reached.' Further offers would only imply that the government was weakening.<sup>65</sup> Moreover, Roberts informed Kitchener that he had agreed with Chamberlain. It is not clear how far Roberts's opinions influenced either Brodrick's or the Cabinet's views. Brodrick was probably aware of them and might have used them during Cabinet discussions. Roberts never respected the Boers as much as other officers; after all, his son had been killed by them. Roberts never understood why the Boers prolonged the war, and tended to label them the same way he regarded any other colonial enemy, such as the dacoits of Burma. Roberts

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<sup>64</sup> Kitchener to Brodrick, 26 April 1901, KP 22/Y48 & 19 April 1901, Y44-45. Milner planned to make English the first language of South Africa, and replace Afrikaans in schools and courts.

<sup>65</sup> Brodrick to Kitchener, 20 April 1901, KP 22/Y47.



expected the Boers to be governed like any other conquered people, and to accept their fate; he never regarded them as potential fellow-citizens who might later join in imperial decision making. In this respect, he was out of touch with opinion at military headquarters in Pretoria.<sup>66</sup> As it was, ministers had already made up their mind, and did not need Roberts to make a decision for them.

### III

What has not been emphasised also is the development of Milner's own opinions after the talks.<sup>67</sup> Milner realised now that Kitchener was beyond redemption, and was a danger to his plans. Milner now abandoned his policy of restraint, and sought to press his ideas on the British government. The failure of the talks opened the way for Milner to assert his own views and to do so in the knowledge that the British government was politically and financially pressed, and inclined to look for another way forward. This section, therefore, will examine Milner's efforts to undermine Kitchener's position and his attempt to see that the war was conducted according to his ideas.

Difficulties arose when Milner pressed Kitchener to alleviate some problems in the ORC. On 9 March, the Deputy-Administrator in Bloemfontein, Major Goold-Adams, complained to Milner that the army antagonized those Boers who were prepared to settle down under British rule. Evidently, columns were depriving farmers of their stock, whilst the animals on farms within reach of the commandos were being left, because they were too far from the protected areas.<sup>68</sup> Consequently, Milner informed Kitchener, and reiterated the need to protect those who might be encouraged to take up arms against the commandos.<sup>69</sup> From Kitchener's reply a sense of irritation can be detected. But Milner pressed the point and informed Kitchener that the SAC were now being brought in to widen the protected areas, thus making accommodation of all the livestock more

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<sup>66</sup> Roberts to Kitchener, 19 April 1901, KP 20/O18.

<sup>67</sup> Only Royle has mentioned this aspect, although briefly and I believe incorrectly. Royle says Milner suspected Kitchener of attempting 'to make a hasty and ill-advised peace to further his own career.' This view is too elementary, and does not consider Kitchener's wider perspective. Royle, p.183.

<sup>68</sup> Goold-Adams to Milner, 9 March 1901, MP IV/A/175/f.174.

<sup>69</sup> Milner to Kitchener, 20 March 1901, *Ibid.*, ff.175-176; to Fiddes, 30 March 1901, Headlam, II, p.240.

practicable.<sup>70</sup> However the use of the SAC further undermined the deteriorating relationship between Milner and Kitchener.

On 15 April, Kitchener, clearly exasperated, addressed a memorandum to Milner regarding the role of the SAC. This had been prompted by an earlier discussion with Milner, particularly over the work the SAC were to do around Bloemfontein. From that meeting, Milner thought he had gained Kitchener's agreement to concentrate the SAC in order to secure certain areas from Boer encroachments.<sup>71</sup> But Kitchener complained that the SAC were not being utilised properly, and that too few were being used outside military garrisons. Kitchener explained that the SAC were part of the reinforcements sent by the government earlier in the year, and so far they had achieved very little; also, valuable officers had been removed from the army to train them. Kitchener's concluding remarks added a controversial element to his letter: he wanted Milner to tell Baden-Powell that for the duration of the war:

the distribution of the SAC, and the manner in which they carry out their military duties, both officers and men, are points on which he should receive instructions from the Commander-in-Chief, in order to practically carry out the scheme of their employment agreed upon between us.<sup>72</sup>

Unsurprisingly, Milner did not agree with Kitchener's remarks. In relaying the news to Chamberlain, Milner explained that apart from feeling too much was expected of the SAC too soon, he was anxious about Kitchener's concluding paragraph. Milner agreed that the SAC should come under Kitchener's orders, but only if they were used as constabulary, 'not as just so many more mounted troops.' Milner, of course, regarded the SAC as a guarantee that some effort would be made to establish protected areas, and that these areas would remain protected. Milner wanted to use the SAC to convey a sense of permanence to those Boers who wanted to settle down. Without the SAC, it was clear Milner did not envisage his protected areas lasting.<sup>73</sup>

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<sup>70</sup> Kitchener to Milner, 20 March 1901; Milner to Kitchener, 29 March 1901, MP IV/A/175/ff.177, 179-182.

<sup>71</sup> Milner to Chamberlain, 12 April 1901, CO 879/73/650/126.

<sup>72</sup> Memo. by Kitchener, 15 April 1901, CO 879/73/650/130.

<sup>73</sup> Milner to Chamberlain, 19 April 1901, *Ibid.* Evidently, Baden-Powell complained to Milner that he had received no help from the military, who often took his horses and supplied his needs last. Jeal, pp.330-342.

Fortunately for Milner the Colonial Office endorsed his views and asked the War Office to intervene and heed Milner's advice.<sup>74</sup> Once again, Milner found that Kitchener, by coveting control of the SAC, could not be trusted. By the end of April Milner had accumulated a great deal of evidence which suggested that the time was ripe for him to make a personal intervention. On the one hand, Kitchener's military strategy was not working; the Boers were as active as ever, and the sweeping operations appeared to cause more trouble than they suppressed. Milner's correspondence had failed to convince the British government that an alternative strategy existed. On the other hand, news from his friends painted a bleak picture concerning the popularity of the British government. Milner had already heard from Chamberlain how hostile public opinion was against the ministry, and that a dramatic change of ministerial personnel was in the offing.<sup>75</sup> From his friends and correspondents Milner learnt that the government was indeed losing the confidence of the public, and the Unionist party as well.<sup>76</sup> Some comfort was offered by Gell, who said ministers had been shocked by Kitchener's talks with Botha.<sup>77</sup> Consequently, Milner might have gained the impression that he had to act against Kitchener sooner rather than later, before some crisis brought down the government. At his own request, Milner asked Chamberlain for leave to visit London not only for a rest, but to discuss the situation:

If I could get four or five fundamental points settled, it would immensely facilitate my, and I venture to think, *your* task.<sup>78</sup>

Thus Milner's concerns about Kitchener's attitude towards the Boers; his intentions towards the SAC, and the apparent weakness of the government converged to induce Milner to return to London and present his case in person. On 8 May 1901, Milner left South Africa.

Milner had judged the opportunity carefully. Ministers were unhappy about the course of the war, and events elsewhere were becoming alarming. On 13 March, the

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<sup>74</sup> CO to WO, 22 May 1901, CO 879/73/650/134.

<sup>75</sup> See above, p.144.

<sup>76</sup> Godley to Milner, 27 March 1901; Camperdown to Milner, 29 March 1901. Camperdown complained about Salisbury's nepotism and felt he should go. MP IV/B/214/ff.135, 14-15.

<sup>77</sup> Gell to Milner, 4 April 1901, *Ibid.*, f.123.

<sup>78</sup> Milner to Chamberlain, 29 March 1901, Headlam, II, p.245; [Milner's italics]. J. Amery, p.32.

Cabinet had met unexpectedly to discuss Russian encroachments in China, and to consider a Japanese request to know how Britain would stand if Japan went to war with Russia.<sup>79</sup> Hely-Hutchinson, now governor of Cape Colony, reported that the military situation in the Cape remained discouraging.<sup>80</sup> Hicks Beach continued to complain about the financial situation and wanted Milner to defer the establishment of civil administration in the Transvaal until after his return to South Africa, as a cost cutting exercise.<sup>81</sup> Although Kitchener was eager to discuss and enumerate his military successes, he remained pessimistic when reviewing the long term prospects, saying only that the war would last a long time.<sup>82</sup> The sense of unease prevailing within the Cabinet was highlighted by Brodrick in two despatches to Kitchener. At first, on 18 May, Brodrick explained that ministers hoped Kitchener might concentrate on driving out Boer forces from Cape Colony and the ORC, and then 'localising' the war to the Transvaal, after which Boer resistance might be claimed to be mere brigandage. A week later, in more forthright tones, Brodrick told Kitchener that ministers were now pressing for the return of troops. They wanted Kitchener to answer four questions: first, when might it be possible to reduce the area of operations? Second, what troops could be withdrawn once this was done? Third, if Kitchener was asked to return 100,000 men suddenly, how much territory could be held with the remainder? And fourth, did Kitchener still believe that amnesty was the only reason why the Boers rejected the government's terms?<sup>83</sup>

While ministers awaited Kitchener's answers, Milner arrived in London on 24 May and held talks with Chamberlain over three days between 31 May and 2 June. The results of these discussions were set down in a memorandum which was circulated to members of the Cabinet. Basically, the memorandum reiterated all that Milner had said over the past year. However, in addition, Milner now argued that if Kitchener's recent offensive had failed to defeat the enemy, even with the help of the South African winter, then a new

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<sup>79</sup> Salisbury to the King, 13 March 1901, CAB 41/26/5.

<sup>80</sup> Hely-Hutchinson to Chamberlain, 27 March 1901, JC 11/17/6.

<sup>81</sup> Hicks Beach to Chamberlain, 10 April 1901, JC 11/18/5. Hicks Beach wondered why Milner wanted a rest by returning to Britain. 'It looks as if he and Kitchener are not agreeing, unless his nerve is gone.'

<sup>82</sup> Kitchener to Brodrick; to Roberts, 9 May 1901, CAB 37/57/54.

<sup>83</sup> Brodrick to Kitchener, 18 & 25 May 1901, KP 22/Y55, Y57.

plan ought to be devised, based on the establishment of secure areas from which fast-moving, unencumbered columns could pursue the commandos into the inhospitable regions of the old republics, where they would either waste away or surrender.<sup>84</sup>

Before the Cabinet made a decision, however, ministers had to await the arrival of Kitchener's answers to the questions posed by Brodrick on 25 May. Although these answers reached London in a piecemeal fashion they all bore one overall impression: Kitchener could not guarantee success or comply with ministerial wishes. Kitchener told both Roberts and Brodrick that he could not reduce troops as he felt this would encourage the Boer leaders, and could not spare the troops anyway because of extensive operations underway in Cape Colony.<sup>85</sup> These remarks probably caused some concern, if not outright disappointment. After all, ministers had provided Kitchener with an extra 30,000 men since February, the bulk of whom had arrived in South Africa. Consequently, ministerial attitudes began to harden. Kitchener received an intimation of this on 15 June, when Brodrick informed him of the War Office decision regarding the use of the SAC. Brodrick said that as far as dispositions and the strength of garrisons were concerned, Kitchener held the authority. But, with the concurrence of Milner and Roberts, Brodrick stated that the government did not want to see the SAC used as part of flying columns:

The aim and duty of the Constabulary...should be to achieve prolonged, continuous, and effective occupation of definite areas.<sup>86</sup>

On the same day, Brodrick explained to Salisbury the trouble he was having in reaching agreement with Hicks Beach over the cost of army reform, especially the need to obtain more recruits.<sup>87</sup> It is conceivable this dispute also had an influence on the Cabinet meeting of 21 June, which renewed their discussions of Milner's suggestions, now that Kitchener's answers had arrived.<sup>88</sup>

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<sup>84</sup> Memo. by Chamberlain, 'Conversations with Lord Milner.' 31 May-2 June 1901, JC 13/1/144. This was circulated to the Cabinet on 12 June.

<sup>85</sup> Kitchener to Roberts; to Brodrick, 7 June 1901, RP 33/f.31 & KP 22/Y60.

<sup>86</sup> Brodrick to Kitchener, 15 June 1901, CO 879/73/650/139.

<sup>87</sup> Brodrick to Salisbury, 15 June 1901, SP SJBC/ff.209-214.

<sup>88</sup> Salisbury to the King, 21 June 1901, CAB 41/26/14.

Evidently Milner addressed the Cabinet himself and outlined his ideas further. His views on the concentration of forces around strategic points doubtless struck a chord with Salisbury and Hicks Beach who had aired similar opinions themselves. Moreover, Milner emphasised the need to restart the mining industry, a subject which ministers had discussed for some time. It appears however that again no concrete decision was made at this meeting. There seemed to be a reluctance to interfere, a legacy no doubt of the earlier problems arising from political interference. Kitchener was told that the government was prepared to face Parliament and obtain more cash; that ministers were prepared to await the results of the winter operations in South Africa, although they wanted to see more progress made at Johannesburg. Furthermore, the idea of confiscating the property of those on commando, which was being pressed by Kitchener at the time, was rejected because it would not hurt men whose property had already been destroyed; nor would Cape Colony pass such legislation against rebels.<sup>89</sup> However, the Cabinet held back from a direct confrontation with Kitchener. Ministers were doubtless aware that both Milner and Kitchener agreed that Cape Colony should be cleared first, and were therefore happy to follow.<sup>90</sup>

Although the government had shown mounting concern about the situation in South Africa, they had still not pressed Kitchener very hard. Milner's frustration at this setback was clear; five days later he presented another memorandum to the Cabinet.<sup>91</sup> This was more extensive than the last, and emphasised his belief both that the winter operations would not end the war, and that a new policy had to be considered. If the war was to drag on:

it would surely be of great compensation for our protracted efforts to have something to show on the other side. And especially if that something was indirectly, and in the long run, itself conducive to the termination of hostilities.

Yet again, Milner called for a complete resumption of the mining industry; the return of the refugees; and the development of protected areas. Kitchener's 'aggressive and destructive policy' had achieved all it could. For Milner this would not mean a change in

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<sup>89</sup> Brodrick to Kitchener, 21 June 1901, KP 22/Y64. See also part IV below.

<sup>90</sup> Brodrick to Roberts, 21 June 1901, RP 13/f.68; Roberts to Kitchener, 21 June 1901, RP 124/1/f.33.

<sup>91</sup> 26 June 1901, CAB 37/57/62.

strategy. 'It is rather the natural development due to the change of circumstances.' Milner acknowledged the process might be slow, but believed it to be certain, and, importantly, thought it would reduce the rate of expenditure, if not the actual total.

Milner offered the government something concrete: a policy. His memorandum was positive, whereas Kitchener offered little that was either constructive or practical. Kitchener continued to explain how difficult everything was; the country, the Boers; and the few opportunities there were to catch them. He could not see how he could reduce his troops given the protracted nature of the war.<sup>92</sup> In a long despatch to Brodrick, he explained that if the government wanted to end the war, they had either to deport the Boers to Fiji or Madagascar, or to renegotiate, making sure the Boers gave up their independence and then let them fight amongst themselves:

The howls with which the terms were received in England and by the Cape loyalists have to my mind put off the termination of the war for a very long time, and made it almost impossible for Boer and Briton to settle down peaceably, so this course having failed, we are, as far as I can see forced into the more objectionable first course proposed.<sup>93</sup>

Kitchener's extreme views regarding the treatment of the Boers was expounded at great length in this despatch. He also referred to the bulk of the Boer population as 'uncivilized Africander savages with a thin white veneer.' Several historians who have commented on this despatch have ignored the fact that the Boer leaders were not included in this insult.<sup>94</sup> If anything, Kitchener admired the Boer leadership, particularly since his meeting with Botha, where the two had got on famously. Kitchener's views contained what might be termed an unpalatable truth: if the government wanted lasting peace it would have to be negotiated. This was a constant theme throughout Kitchener's tenure, but he had to bombard ministers with this advice before the message was received and fully accepted.

As it was, in the summer of 1901, British ministers either did not receive the message, or preferred to ignore it. The government's willingness to sponsor talks in South Africa had been demonstrated. To do so a second time, especially so soon, meant the talks

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<sup>92</sup> Kitchener to Roberts, 21 & 28 June 1901, RP 33/ff.33, 34.

<sup>93</sup> Kitchener to Brodrick, 21 June 1901, KP 22/Y62.

<sup>94</sup> Magnus, p.226-227; Pakenham, p.500.

would need to have a clear chance of success. The government could not afford to be seen either scuppering further talks, or achieving a settlement that treated the Boers too leniently. As Milner offered a policy that did not carry such a great element of risk, it is not surprising that the Cabinet shifted its position in his favour following a further meeting on 28 June.

Evidently, ministers were irritated by the lack of information from the military authorities, and after two hours discussion it was decided to tell Roberts of ministerial concern. Ministers wanted an:

explanation of the plans by which it is hoped to bring the war to a conclusion, and their relation to the resources which are at our command.<sup>95</sup>

Brodrick communicated the Cabinet's decision to Kitchener the following day. Milner it seemed had gained everything he wanted. The mining industry was to be restarted on a larger scale, not in the limited fashion allowed by Kitchener; troops would be reduced after the South African winter; and military operations would be curtailed in favour of special columns formed to hunt down individual commandos.<sup>96</sup>

It was at this stage that Roberts began to play a more prominent part in the proceedings. The reasoning behind the Cabinet's decision to notify Roberts of the decisions made at the meeting of 28 June was to ensure that Roberts communicated them to Kitchener. This of course was a way of making unpalatable news less so, in the expectation Kitchener would take orders from a military superior rather than from politicians. Roberts explained to Kitchener that ministers were fearful the country would not tolerate any more heavy expenditure, especially when it became more widely known that the Boers numbered only 16,000-18,000 men. As the old republics had been thoroughly devastated the Cabinet thought it possible just to hold the lines of railway and the principal towns, so that troop numbers could be reduced in September. Roberts also noted that he thought it essential that Cape Colony be cleared first.<sup>97</sup> Three days later, Roberts again informed Kitchener of the Cabinet's ideas in a despatch that showed

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<sup>95</sup> Salisbury to the King, 28 June 1901, CAB 41/26/15.

<sup>96</sup> Brodrick to Kitchener, 29 June 1901, KP 22/Y68.

<sup>97</sup> Roberts to Kitchener, 29 June 1901, RP 122/1/ff.261-266.



Milner's influence and also reflected the fact that 'Treasury control was starting to tell.'<sup>98</sup> Curiously, the tone of this letter is a lot harsher than the one before; this suggests that Roberts might have been obliged to be more explicit. Roberts emphasised that Kitchener's winter campaign, no matter how successful, was hardly likely to end the war. He expressly stated that the Rand was to be restarted and refugees returned, as well as the 'necessary number of natives.' It was assumed Kitchener would carry out this policy with about 140,000 men, leaving only 15,000 in the Cape; if the railway lines were not safe as a result the Delagoa Bay and Natal railways would be utilised even more:

The operations now about to be undertaken are more of a police than military nature, as their success will depend on the thorough pacification of the more important and populous districts which it is now proposed to hold, and the gradual extension of these protected areas until they embrace the whole country.<sup>99</sup>

Both Roberts and Brodrick had been obliged to put pressure on Kitchener, and as both supported his position this must have seemed distasteful. But both officials were well aware of the problems caused by the war, and realised other alternatives had to be considered. The reference made by Roberts that current operations were of a police nature revealed his ambivalence at the time. Was Roberts still convinced, it might be asked, that when he left South Africa the war was 'practically over'?

Strangely, Kitchener made no overt protest against the changes wished on him by Milner and the government. He claimed he was not surprised by the call to reduce forces, which he had already set in motion by the construction of blockhouses linked by barbed wire, which were intended to protect the railways. However, he said he had hoped to use the troops freed from defending the railway lines to garrison the blockhouses as they were extended across the countryside.<sup>100</sup> This failed to elicit any sympathy from the politicians. Ministers were enamoured of Chamberlain's idea to set up *corps d'elite*

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<sup>98</sup> Yakutiel, p.186.

<sup>99</sup> Roberts to Kitchener, 2 July 1901, RP 124/1/f.50.

<sup>100</sup> Kitchener to Brodrick; to Roberts, 5 July 1901, KP 22/Y69 & RP 33/f.35.

designed to hunt down the Boer leaders. Roberts too pushed this idea, probably because it was close to his vision of 'police action.'<sup>101</sup>

Whether Kitchener disliked the whole idea of reducing troops, or just baulked at being ordered by politicians, is unclear. It was probably a mixture of both, as Kitchener could not tolerate any interference in his campaigns. Certainly, Kitchener remained unconvinced by the orders he had received. Kitchener thought his troops were incapable of being turned into *corps d'elite*; he said he had already been chasing the leaders and did not think the British could live off the land like Boers. He said troop numbers could not be reduced without surrendering some occupied territory, and was not prepared to lose his best troops; instead he would remove only Yeomanry and Militia.<sup>102</sup> The tone of Kitchener's remarks seems to have had an effect on both Roberts and Brodrick, and both tried to soothe his feelings; this can be seen in the notes they sent to Kitchener on 13 July. Brodrick hoped Kitchener did not think them 'nervous or nerveless' in London, and 'we are most grateful to you for responding to Lord Roberts' suggestions.' He explained that the recent correspondence did not mean the government had lost faith in Kitchener. Roberts said much the same adding, 'I at any rate, can appreciate the great difficulties with which you have to contend.'<sup>103</sup>

Kitchener was not deterred by assurances or instructions. Despite being told by Roberts that the government did not want him to surrender territory, and that the policy of developing protected areas should continue, Kitchener stated that the situation in Cape Colony would determine whether he could reduce troops or not. The best thing, according to Kitchener, was for the government to bring pressure on the Boers, by which he probably meant confiscation.<sup>104</sup> Brodrick did not prove receptive to Kitchener's suggestions. The question of special or severe measures was no longer possible, and he advised Kitchener to consider the *corps d'elite* scheme. Brodrick felt that if one leader

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<sup>101</sup> Roberts to Kitchener, (tel.), 5 & 6 July 1901, MP IV/A/175/f.395 & KP 20/O28; Brodrick to Kitchener, 6 July 1901, KP 22/Y70. Brodrick recommended the scheme because 'it would use up less of our men than the general sweeping process.'

<sup>102</sup> Kitchener to Roberts, (tels.), 6 & 10 July 1901, MP IV/A/175/f.396 & RP 33/f.36.

<sup>103</sup> Brodrick & Roberts to Kitchener, 13 July 1901, KP 22/Y73 & KP 20/O30.

<sup>104</sup> Roberts to Kitchener, 15 July 1901; Kitchener to Roberts, 19 July 1901, RP 124/1/ff.95-96 & 33/f.38.

was captured, the British might declare the war at an end, and the remaining Boers brigands.<sup>105</sup>

Although both Roberts and Brodrick sympathised with Kitchener and said they understood the problems he faced, neither could argue against the implementation of Milner's schemes. However, at a time when a dispute between Roberts and Brodrick and the government was reaching a head, Milner made an error of judgement which was to put Roberts firmly on the side of Kitchener.

#### IV

At this point it is necessary to examine Roberts's relations with the British government. This is important because it helps explain why Roberts backed Kitchener later in the year. Roberts himself was drawn into the dispute between Milner and Kitchener at a time when he was quarrelling with Brodrick and the government. This particular argument was over the extent of political interference in army matters and mirrored Kitchener's problems with the politicians. When Kitchener began to resist Milner's intervention, so Roberts complained about the actions of the British government, a situation which drew the two generals together. This is significant because until then Roberts had been lukewarm in his support of Kitchener. Although he never shared Kitchener's ideas regarding a negotiated settlement and lenient treatment for the Boers, Roberts nevertheless recognised the problems his successor faced, especially those created by political interference. Consequently, Roberts endorsed Kitchener's leadership at a crucial time and helped shift the balance of civil-military relations in Kitchener's favour. Roberts's intervention has largely been ignored by historians, but to understand how and why Kitchener was able to resist Milner and the British government, Roberts's own relations with the politicians needs to be highlighted. This section, therefore, will examine the two issues over which Roberts fell out with his political superiors: these were army reform, and the treatment of officers who had failed during the war. It will also show how an over-confident Milner misjudged Roberts's attitude towards Kitchener, and how

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<sup>105</sup> Brodrick to Kitchener, 26 July 1901, KP 22/Y76.

Roberts's continuing dispute with the British government ensured he gave Kitchener his full backing.

Lord Roberts was appointed C-in-C in November 1900, following the retirement of Lord Wolseley. Almost immediately problems arose between Roberts and Brodrick, particularly over the position and authority of the C-in-C. Roberts, like Wolseley before him, did not agree with the system as constituted in the Order-in-Council of 1895.<sup>106</sup> As far as Roberts was concerned, the C-in-C had no real authority because other lower ranking officers on the Army Board were equal to, if not independent, of him.<sup>107</sup> Brodrick disagreed, which is not surprising considering he was Under-Secretary of State for War in 1895 and had been instrumental in formulating the new organization. Brodrick believed that the defects of the system were due to Wolseley's style of leadership. He emphasised that while other members of the Army Board did have their own jobs and specific functions, it was the C-in-C's job to supervise them and, 'that supervision is exactly what the C-in-C chooses to make it.'<sup>108</sup> Roberts accepted Brodrick had more urgent problems to deal with than the office of C-in-C, such as army reform, and agreed not to pursue the matter. But he was not put off altogether; he stated ominously that he had not agreed to accept the Order-in-Council 'or to have admitted that I could effectively carry out the duties of Commander-in-Chief under its provisions.' In fact, Roberts's letter carried a complete review of the position, with his comments on where it could be improved. It was a substantial 'broadside' before the onset of a 'ceasefire.'<sup>109</sup>

This particular dispute lapsed as the question of army reform occupied more official time. In March, Brodrick outlined his scheme for the creation of six army corps (three regular and three volunteer), so that in future Britain could provide an expeditionary force and have enough troops for home defence. The scheme came under fierce attack in Parliament, even from Unionist backbenchers, such as Winston Churchill, who objected to the cost. The main weakness of Brodrick's measures was that they relied on a steady

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<sup>106</sup> Chapter 1, pp.26-27.

<sup>107</sup> Roberts to Brodrick, 26 Nov 1900, SJB/PRO 30/67/6.

<sup>108</sup> Brodrick to Roberts, 20 Dec 1900, RP 13/f.13.

<sup>109</sup> Brodrick to Roberts, 21 Dec 1900, RP 13/ff.16-17; Roberts to Brodrick, 27 Dec 1900, RP 110/5/1269. Brodrick ensured he gained the support of ministerial colleagues, Salisbury to Brodrick, 24 & N.D. Jan 1901, SJB/PRO 30/67/7; Balfour to Brodrick, c. Jan 1901, BP Add.Ms.49720/ff.97-108.

supply of recruits, although Roberts said this problem could be overcome by an increase in pay.<sup>110</sup> In fact, Roberts's advocacy of increased pay was only one of several ideas he forwarded, all requiring a great deal of expenditure. Roberts's great interest was in the technical details of reform, such as training and new weaponry, which was expensive. This exasperated Brodrick who, as far back as January, had warned Roberts of the difficulty in obtaining financial resources from the Treasury. Brodrick became so annoyed with Roberts that he even complained to Kitchener about his profligacy.<sup>111</sup> As it was, on 10 May, Brodrick informed Roberts that his demands for more money were unrealistic and dangerous. He reminded Roberts that the normal estimates had increased from £24 million to £30 million and said the public were weary of heavy expenditure. Although Brodrick recognised the estimates, passed in March, had been hurriedly put together, to make more demands on the country so soon would cause more trouble; he even suggested it might bring down the government.<sup>112</sup> Roberts regarded this letter as a censure and threatened to resign. He argued he was well aware of the need for economy but:

I trust I shall receive your support and that of the Cabinet in my endeavours to make our army efficient, otherwise the position I hold would be an impossible one to me.<sup>113</sup>

The second problem which strained relations between the C-in-C and Brodrick was over the punishment of failed officers. When Roberts first reacted to Brodrick's note of 'censure,' he concluded his reply by pointing out he had also been unaware of the tendency of the government to 'deal severely' with officers who had blundered in South Africa.<sup>114</sup> Since Roberts had returned from South Africa, the government and certain backbench MP's had called for examples to be made of those officers who had been

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<sup>110</sup> Roberts to Brodrick, 8 & 13 May 1901, RP 122/1/ff.185-188, 194-196. L.J. Sartre, 'St. John Brodrick and Army Reform 1901-1903,' *Journal of British Studies*, 15, (1976), pp.121-125; J.K. Dunlop, *The Development of the British Army 1899-1914* (London, 1938), pp.130-136; Spiers, *Army & Society*, pp.243-250.

<sup>111</sup> Brodrick to Kitchener, 11 May 1901, KP 22/Y53.

<sup>112</sup> Brodrick to Roberts, 10 May 1901, RP 13/f.55.

<sup>113</sup> Roberts to Brodrick, 11 & 18 May 1901, RP 122/1/ff.192-193, 200-206.

<sup>114</sup> Roberts to Brodrick, 11 May 1901, *Ibid.*

defeated by the Boers. By May 1901, Roberts had become exasperated by these calls and began to react against what he considered to be political vindictiveness.

The honour and reputation of the British Army motivated Roberts more than anything, especially if he felt they were being brought into disrepute, and, in 1901, he felt this particularly. In that year, there was a great deal of pressure exerted by the House of Commons to try failed officers. The House, having reassembled after Christmas 1900, was in no mood to be lenient, especially after General Clements's defeat at Nooitgedacht. Brodrick made a firm promise to deal with those responsible and in reply to several questions stated:

wherever the result of a court of enquiry establishes a *prima facie* case, I shall insist that the officer be brought to a Court-Martial. I know that that is the opinion of Lord Kitchener, and I know that the Commander-in-Chief is prepared to recommend it.<sup>115</sup>

Roberts, however, was not prepared to recommend it, especially in Clements's case. He told Kitchener to delay the Court-Martial, even though he recognised the Cabinet was afraid of the House of Commons. 'I have told Brodrick,' he wrote, 'that to allow the House of Commons to be judges on military matters would be disastrous to the Army.' Roberts was certain that officers were unlikely to accept responsibility if threatened by a Court-Martial should they make a mistake.<sup>116</sup> In fact, Roberts recorded his disquiet in a lengthy memorandum after he was informed by Brodrick that Parliament was likely to take more than a passing interest in the action at Nooitgedacht, and, more surprisingly, the defeat at Nicholson's Nek, which had happened as far back as October 1899.<sup>117</sup>

Three of the officers involved in the defeat at Nicholson's Nek had been acquitted by a court of enquiry after the incident, whilst a fourth had been punished, unfairly according to Roberts. Brodrick, supported by Balfour, Chamberlain and Hicks Beach, wanted the officers to appear before a Court-Martial, despite the fact that two of them had been promoted since. Roberts distanced himself from Brodrick and the ministers on this issue. Fifteen months had elapsed since the original court of enquiry and Roberts felt it

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<sup>115</sup> *Hansard*, 4th Series, LXXXIX, 25 Feb 1901, 1090. The debate in the House of Commons was brought about by Mr. Lambert MP with an amendment to the address about disciplining failed officers, 25 Feb 1901, 1069.

<sup>116</sup> Roberts to Kitchener, 16 & 23 March 1901, RP 122/1/ff.92-94, 102-105.

<sup>117</sup> Memo. by Roberts, 23 March 1901, RP 122/1/ff.111-116.

was too late to reopen the case. Roberts did not consider the ministers were particularly well-informed on the issues and believed they knew of events only 'in a general way.' Roberts said a Court-Martial should have been established at the outset and if resorted to now, 'I feel sure you would find [it] would have a most unsatisfactory result. It would stir up a great deal of dirty water and do no good.'<sup>118</sup> By the end of August circumstances had reached a point where it became necessary to 'clear the air.' This was prompted by Brodrick's letter which criticized Roberts's honouring of certain staff officers of aristocratic birth.<sup>119</sup>

Roberts's first response was to offer his second threat of resignation. The build-up of resentment over the critical attitude of the House of Commons reached breaking point as Roberts condemned their "'ringing-cheers" [which] are often given to very doubtful actions.' Roberts was concerned that Brodrick had little faith in him dealing with disciplinary cases, and noticed how Brodrick always advocated harsher measures than Roberts himself, no doubt influenced by Parliament. Roberts acknowledged he was reluctant to bring an officer to a Court-Martial unless he was quite certain a conviction would result; an acquittal or reprimand only made those who had brought the Court-Martial 'in the wrong by showing that an erroneous view of the case has been taken by them.' All the old resentment about his position as C-in-C surfaced as he went out of his way to criticize the current organization of the War Office, and he felt he would be cast as a failure in his present post: to stay on he required Brodrick's entire confidence.<sup>120</sup> This explains much about Roberts's attitude and his sense of army honour, that it was all tied in with his own self-importance and sense of authority.

Thus it is clear that during the period when Milner attempted to gain the support of the British government, Roberts was in an ambivalent position. He was in dispute with Brodrick and the ministry as a whole, and he knew Milner had criticised his own conduct of operations in South Africa.<sup>121</sup> Yet, he also felt there was some truth in what Milner said, especially as he had never regarded the Boers in the same way as Kitchener. In some

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<sup>118</sup> Roberts to Brodrick, 30 August 1901, RP 122/2/ff.75-77.

<sup>119</sup> Brodrick to Roberts, 26 August 1901, RP 13/f.88.

<sup>120</sup> Roberts to Brodrick, 1 September 1901, RP 122/2/ff.85-93; James, pp.381-82.

<sup>121</sup> Roberts to Kitchener, 19 April 1901, KP 20/O18.

ways, Roberts probably felt Kitchener accorded the commandos too much respect. This ambivalence in Roberts explains the nature of his response to Milner's suggestions; it also explains why Roberts, especially after a row with Chamberlain, later placed his reputation and influence behind Kitchener when the latter resisted implementing Milner's scheme.

By the end of July Milner had seemingly achieved the position of paramount official in South Africa. In amongst the discussions relating to changes in strategy and tactics was a debate centering on the need to complement military operations by introducing other severe measures, such as confiscation of property or banishment from South Africa. Initially, Kitchener took up the idea following the Botha talks; Milner then also took an interest in such measures, in order to secure his position, both immediately and in the future.

On 5 April 1901, Kitchener first mooted the idea of confiscating the property of Boers still on commando.<sup>122</sup> Kitchener felt it was time to introduce severe measures as the only way to induce the Boers to surrender quickly, without recourse to damaging, protracted military operations. Milner endorsed the idea and recommended it to Chamberlain just before he left South Africa for his visit to Britain.<sup>123</sup> Milner's reasons for supporting this idea are not clear. He gave no detailed justification in his telegram. At the time he probably felt much the same as Kitchener and wanted to see the war ended quickly; perhaps he mentioned it merely to see how the government stood on such an issue. Ministers were apparently unsure about using confiscation as a weapon. Milner's telegram was shown to the Intelligence Department to determine whether confiscation came under the rules of 'civilized warfare.' Two notes appended to the telegram were shown to the Cabinet on 13 June, and they provide an interesting military viewpoint. Apart from the legal arguments against the idea, it was considered that confiscation would create 'a class of white paupers.' But to restrict the scope of confiscation was not a sound idea either:

To enforce confiscation in the case of particular men only, such for example as Louis Botha, would be unjust and would put against us in the

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<sup>122</sup> Kitchener to Roberts, 5 April 1901, RP 33/f.22.

<sup>123</sup> Milner to Chamberlain, (tel.), 8 May 1901, CO 879/73/650/128.



future those leaders whose support is necessary to the peaceful settlement of the country.<sup>124</sup>

Whether Kitchener was informed of this opinion is uncertain, although he would have understood the sentiment. Whereas Milner might have favoured the tactic to deprive the Boer leadership of power and influence, it is likely Kitchener wanted to frighten the Boers into submission without actually proceeding with the punishment. With Roberts's backing, Kitchener pressed his case and attempted to convince the government that confiscation was a worthwhile expedient.<sup>125</sup> Ministers, however, were more inclined to promote what they considered legitimate methods to help shorten the war. Thus in areas where 'our occupation is so far effective,' Kitchener was asked to consider the idea of taxing those farmers still on commando.<sup>126</sup> Kitchener was not so sanguine and replied there was no precedent in Boer legislation, which Chamberlain believed to have existed. Moreover, the idea of declaring zones to be fully occupied did not commend itself to Kitchener either:

There is no district in which it could be said that our occupation is more effective than it is over practically the whole country.

Instead, Kitchener wanted the Boer leaders told their property would be confiscated if they did not surrender within a given time. Furthermore, Kitchener advocated the banishment of Boer prisoners and their families, and to treat the commandos in the same manner.<sup>127</sup> Now that the consideration of severe measures was on the agenda, Kitchener refused to let the matter drop, and feared the war might go on indefinitely if nothing was done. The unexpected harshness of banishing families from South Africa would, he felt, succeed in this way.<sup>128</sup>

By the end of June, as Kitchener continued to implore ministers, Milner had obtained what he had set out for and appeared to be no longer interested in endorsing severe measures. His opinion had shifted somewhat and he was against wholesale

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<sup>124</sup> Notes by the Intelligence Division, c. 13 June 1901, CAB 37/57/58.

<sup>125</sup> Roberts to Kitchener, 7 June 1901, KP 20/O26; Kitchener to Roberts, 14 June 1901, RP 33/f.32.

<sup>126</sup> Chamberlain to Kitchener, (tel.), 18 June 1901, CO 879/73/650/140.

<sup>127</sup> Kitchener to Chamberlain, (tel.), 19 June 1901, KP 19/U10.

<sup>128</sup> Kitchener to Roberts, 21 June 1901, RP 33/f.33; to Milner, (tel.), 26 June 1901, MP IV/A/171/f.115.

confiscation, although he now favoured its use in protected areas so that newcomers could be settled in the property and protected.<sup>129</sup>

Kitchener remained undeterred by the continual refusals to support his views. As the government now wanted him to clear Cape Colony as a matter of urgency, Kitchener argued that this could only be done in tandem with a policy of strong measures. 'I fear opinions at home are far too optimistic about matters out here, and if nothing is done we may still have very grave trouble.'<sup>130</sup> Kitchener was wasting his energy. Confiscation and banishment were ideas ministers were no longer willing to discuss. As Brodrick explained, severity had achieved very little: farm-burning had been promoted as likely to end the war and this had failed. With regard to banishment, this was dismissed. The British government was not prepared to keep 16,000 hostile Boers in camps on islands such as St.Helena; nor were they prepared to off-load the Boers elsewhere because the Boers were 'not a marketable commodity in other lands.'<sup>131</sup>

On 25 July, after giving the matter some thought, Milner agreed something ought to be done to coerce the Boers after Kitchener's recent military operations, but was at a loss to decide on the best method. He still thought confiscation within the protected areas the best solution under the circumstances, but not banishment.<sup>132</sup> However, Milner, had second thoughts because the day after he wrote to Kitchener he contacted Chamberlain about a modified form of banishment. Instead of mass deportations, Milner favoured banishing only the Boer leaders. This course, if adopted, would solve a problem for him by removing those whom he deemed his most implacable enemies; and, he said, it would be good policy to help Kitchener. 'His tendency to discouragement is, to my mind, one of the most serious features of the situation.'<sup>133</sup> Milner's support for a limited form of banishment, coupled with the perceived need to do something for Kitchener, obliged the

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<sup>129</sup> Milner to Kitchener, c. 27-28 June 1901, MP IV/A/171/f.116; to Brodrick, 12 July 1901, MP IV/A/175/ff.368-373.

<sup>130</sup> Kitchener to Brodrick, 14 July 1901, CAB 37/58/107.

<sup>131</sup> Kitchener to Brodrick, (tel.), 19 July 1901, CO 48/568/f.618; Brodrick to Kitchener, 20 July 1901, KP 22/Y75.

<sup>132</sup> Milner to Kitchener, 25 July 1901, MP IV/A/175/ff.376-377.

<sup>133</sup> Milner to Chamberlain, 26 July 1901, JC 13/1/166.

government to acquiesce.<sup>134</sup> On 7 August, a proclamation was published which threatened Boer commandants, field-cornets, and 'leaders of armed bands,' with permanent banishment unless they surrendered by 15 September 1901. Furthermore, those Boers with families in the camps would be charged for their maintenance, the cost to be taken from property 'moveable and immoveable.'<sup>135</sup>

Milner felt he was in a strong position. His policy was to be implemented and he had bolstered it by obtaining a measure against the Boer leadership. His confidence must have been high as he contemplated the future, and it perhaps explains why he wrote to Roberts on 29 July 1901. Milner attempted to persuade Roberts that it was time to restructure the command in South Africa. Milner hoped to break up Kitchener's command into three separate ones, leaving one general officer who would arbitrate over any dispute. Milner did not think the war, 'if it can be called a war,' had any unity, being a 'mass of scattered and petty operations' requiring 'several directing minds.' Milner's objective was to place himself in overall command, as the leading official in South Africa, and this step would ensure his policy was properly implemented by more pliable generals. For Milner civil considerations, such as the return of the refugees, and the resumption of industry, were equal to the need to defeat the enemy:

Throughout the whole country civil and military questions are clearly intertwined & constant...communication between the High Commissioner & the several Generals Commanding will be essential to a satisfactory result.<sup>136</sup>

Roberts was not so sure; he now saw that Kitchener's position was under threat. He told Milner that his scheme might work when peace was proclaimed and martial law ended, but 'So long as columns have to take the field, it would, I am sure, be a mistake to make a change in the chief command.' Roberts felt there had to be one army commander with Milner in South Africa, and that ought to be Kitchener. Roberts still

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<sup>134</sup> Chamberlain to Kitchener, 30 & 31 July 1901; Kitchener to Chamberlain, 2 Aug 1901, (tels.), CO 879/73/650/160-162. Kitchener felt banishment did not go far enough, as the Boers believed a change of government would reverse such measures. 'Confiscation is the only thing that will touch them.' Kitchener to Roberts, 9 Aug 1901, RP 33/f.41.

<sup>135</sup> Chamberlain to Kitchener, (tel.), 5 Aug 1901, *Correspondence relating to the prolongation of Hostilities in South Africa*, PP(1901), XLVII, Cd.732, p.6.

<sup>136</sup> Milner to Roberts, 29 July 1901, RP 45/f.49.

thought Kitchener would carry out the Cabinet's wishes regarding the change in strategy and hoped Milner would agree with the arrangement.<sup>137</sup> It must be remembered that Roberts's dispute with the British government was at its height, and it seems Roberts was further moved to give Kitchener his support in the face of political criticism. Early in August, Chamberlain had written to him regarding a letter from Sir William Marriott, complaining about the military administration in Johannesburg. Chamberlain acknowledged the complaints and said 'rightly or wrongly' there was much discontent amongst civilians. A complaint that stood out was that Colonials had been discharged in contravention of their terms of enlistment.<sup>138</sup>

Roberts defended the military administration of Johannesburg by condemning the Colonial soldiers instead. He reminded Chamberlain that they had caused him trouble over enlistment and that they must have 'misrepresented' their terms to Marriott. He could not believe Kitchener would have offered them terms that would have caused the same complaints. Marriott had obviously exaggerated matters.<sup>139</sup> Roberts's exasperation with the politicians was complete.

August thus marked a turning point in civil-military relations. With Roberts becoming ever more hostile towards the government and Kitchener growing ever more recalcitrant, the political authorities found themselves facing soldiers who were again no longer willing to take political considerations at face value. Kitchener felt he had good military reasons for taking a negative attitude to the government's wishes. Since July and earlier, he had said the situation in Cape Colony needed to be resolved before any changes in strategy - and its corollary of troop reductions - could take place. He believed the war was proceeding satisfactorily, particularly in Cape Colony, and that major successes had been achieved. Kitchener was glad Roberts agreed with him.<sup>140</sup> Simultaneously, Kitchener informed Brodrick of the success of the burgeoning blockhouse line and

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<sup>137</sup> Roberts to Milner, 4 August 1901, RP 122/1/ff.304-305. Roberts informed Kitchener of Milner's views. Roberts to Kitchener, 3 Aug 1901, KP 20/O32.

<sup>138</sup> Chamberlain to Roberts, 3 & 5 August 1901, RP 16/ff.12, 13.

<sup>139</sup> Roberts to Chamberlain, 4 Aug 1901, RP 122/1/ff.308-312; Roberts to Kitchener, 9 Aug 1901, KP 20/O33.

<sup>140</sup> Kitchener to Roberts, 17 & 23 Aug 1901, RP 33/ff.42, 43.

reaffirmed his faith in the current system, and stressed the importance of 'my weekly bag.' The Boers were being drained and would eventually give in:

I am afraid there is no other way as the people we are dealing with are too stupidly obstinate to believe in the hopelessness of their struggle.<sup>141</sup>

The obstructive tone of Kitchener's correspondence alarmed ministers in London, particularly Brodrick. He knew Kitchener was not happy with the terms of the banishment proclamation, and revealed his own concern by telling Chamberlain that he had asked Kitchener to explain his remarks regarding the need to clear Cape Colony.<sup>142</sup> Chamberlain, however, was not convinced by Kitchener's pronouncements, and ridiculed his suggestions and recent schemes. Chamberlain, in fact, remained wedded to his idea of using *corps d'elite*. Brodrick informed Kitchener of Chamberlain's views, but toned them down, clearly anxious to avoid a rift between Kitchener and Chamberlain, and conscious perhaps of his own difficulties with Roberts.<sup>143</sup> Brodrick also informed Milner of Kitchener's views, and added that the government was keen to get troop numbers reduced after 15 September, so as to save money and obviate the need to summon Parliament for financial assistance. Brodrick, however, was reluctant to force Kitchener's acquiescence, or to bring home cavalry prematurely. He asked Milner, therefore, to see Kitchener and try to find a 'middle-course.'<sup>144</sup> But if he was after a modicum of help from Milner than he was mistaken to expect it over Cape Colony. Milner was not convinced the best way to make savings was to reduce troop numbers in Cape Colony, even though the situation was improving. Milner suggested instead that 'rubbish' should be disbanded (he did not elaborate but probably referred to Yeomanry and Militia, of which Kitchener also complained), and by getting the Cape government to contribute to costs by paying certain units currently financed by the imperial authorities.<sup>145</sup> Milner, of course, continually feared a widespread uprising in the Cape, brought about by a Boer military success. He readily understood Kitchener's fears regarding the safety of the

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<sup>141</sup> Kitchener to Brodrick, 23 Aug 1901, KP 22/Y80.

<sup>142</sup> Brodrick to Chamberlain, 17 Aug 1901, JC 11/8/39.

<sup>143</sup> Chamberlain to Brodrick, 24 Aug 1901; Brodrick to Kitchener, 26 Aug 1901, JC 11/8/41, 43.

<sup>144</sup> Brodrick to Milner, 27 Aug 1901, MP IV/A/171/f.117.

<sup>145</sup> Milner to Brodrick, 31 Aug 1901, *Ibid.*

Colony, and this was his weak point. His support for Kitchener undermined his own case, as did his support for a banishment proclamation, as well as his own over-confidence in discussing military matters with Roberts. Not only had he ranged the army high command against his scheme, he had helped Kitchener to use the situation in Cape Colony as basis for rejecting his scheme altogether.

## V

Although Kitchener and Roberts were becoming obstructive, Milner's position still remained strong. By the end of August he had persuaded the British government to implement his policies and to issue a proclamation of banishment against the Boer leaders. However, Kitchener's reluctance to begin reducing troops and alter his strategy gradually undermined Milner's success. Eventually, the British authorities were faced with a dilemma: should they sack Kitchener, as Milner came to believe, or should they endorse Kitchener's expensive and cumbersome strategy and maintain Cabinet cohesion, in the face of intensifying disputes between ministers over the conduct of the war. This section explains how Milner's position crumbled in the face of Kitchener's intransigence, Roberts's support of Kitchener, and ministerial dissension.

The main reason behind the Cabinet's acceptance of Milner's strategy was that it held out the hope of cuts in expenditure, and the likelihood of troop reductions. This, of course, was of paramount importance in furnishing reserves for both the defence of Britain and India. As Milner's ideas seemed to promise much, the Cabinet was impatient for some intimation from Kitchener that his strategy was working.

In early September Brodrick tried to impress on Kitchener the need for troop reductions and financial retrenchment. He told him he was anxious about the reduction of troops and was fearful of having to call Parliament in December, which he felt would encourage the Boers. He suggested the 15 September would be a suitable occasion to announce reductions, proclaiming at the same time that the character of the war had changed. Then Kitchener might be able to reduce his army to 140,000 men without much comment being made about it.<sup>146</sup>

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<sup>146</sup> Brodrick to Kitchener, 6 & (tel.), 13 Sept 1901, KP 22/Y84 & CAB 37/58/86.

Milner, following Brodrick's request on 27 August, also spoke to Kitchener personally to emphasise these points, and reported back that although Kitchener was averse to troop reductions at present, the situation in the Transvaal and the ORC was better than he (Milner) had anticipated. Moreover, Kitchener was beginning to make effective cuts in costs, especially by reducing the most expensive troops in the army. Recruiting for local corps had been stopped, and he was busy reducing the number of Yeomanry. 'Taking all things together,' Milner continued:

expenditure in South Africa on pay and rations should now begin to show substantial & progressive diminution...But I think it would be dangerous to press K. to reduce at this moment beyond what he is already doing except possibly in artillery, amount of wh. appears to me still excessive. If Cape Colony could be quieted much larger reductions would at once be possible.<sup>147</sup>

Kitchener, with a subtle reminder of the efficacy of his system, told Brodrick that his columns were achieving satisfactory progress, owing to the limited space within which the commandos operated. He was in the process of reducing some troops, but it was difficult to release too many, as there were more blockhouse lines to hold, and baggage trains to guard for the mobile columns. He promised he would reduce numbers as soon as it was possible.<sup>148</sup>

All in all, things did seem to be improving: on the military front two encouraging successes had been recorded, both against troublesome commandos in Cape Colony. On 5 September, Lotter's force was routed and Lotter himself was captured by Scobell's column near Cradock; five days later, Scheeper's commando was badly beaten by Crabbe at Laingsburg.

However, the cheerful outlook forwarded by Milner and Kitchener, was not shared by Hicks Beach. He objected to the current rate of expenditure (especially for the armed forces in Britain), and in an increasingly embittered correspondence with Chamberlain, to which the service ministers were a party, increased the animosity felt amongst his cabinet colleagues for the Chancellor himself.

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<sup>147</sup> Milner to Brodrick, 11 Sept 1901, MP IV/A/171/ff.119-124.

<sup>148</sup> Kitchener to Brodrick, 13 & (tel.), 14 Sept 1901, KP 22/Y85 & CAB 37/58/107.

Hicks Beach deprecated the continual increase in the service estimates which had risen substantially throughout the 1890's. In 1896, the navy was allocated nearly £19 million; in 1901 that figure had increased to nearly £31 million. It was a similar story with the army: in 1896 the estimates stood at over £18 million; in 1901 the estimates had risen to nearly £28 million. Both the service estimates had increased by 50% over five years.<sup>149</sup> Hicks Beach was worried about paying off debt once the war was over and was against raising taxes to do so. In the meantime, he wanted to reduce the rate of increase of the non-war estimates, which in itself undermined the plans of both Brodrick and Selborne. They wanted the rate increased in order to pay for schemes they considered important to the nation's survival as a great power. Thus Brodrick insisted that army pay should be increased to attract more recruits; whilst Selborne objected to Hicks Beach's propensity to tell the Admiralty how to spend their money, and would not cut his estimates abruptly for the sake of the Treasury. Selborne advocated a gradual reduction, over six years.<sup>150</sup>

Chamberlain was caught in the middle of this bad feeling and was able to appreciate both sides of the argument. He sympathised with Brodrick, and realised that a dictatorial stance taken by the Treasury was likely to induce the resignation of both Brodrick and Roberts. But Chamberlain himself had little sympathy for Kitchener. The despatches from Cape Colony continually told of the problems caused by the military administration of martial law; and as this was the time when Kitchener was doing his utmost to secure martial law in the Cape ports and antagonising the Cape ministry as a result, Chamberlain's patience with Kitchener had worn thin. Eventually, he was obliged to inform Brodrick that he also felt that Kitchener could manage in South Africa with 150,000 men.<sup>151</sup>

The problem as far as Brodrick was concerned was that Kitchener seemed to be doing his best to meet the Cabinet's demands. Added to Milner's rather sanguine report

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<sup>149</sup> Hicks Beach to Salisbury, 13 Sept 1901, SP HBC/ff.272-277; to Chamberlain, 10 & 16 Sept 1901, JC 11/18/9, 11.

<sup>150</sup> Brodrick to Chamberlain, 10 Sept 1901, JC 11/8/51; Selborne to Chamberlain, 21 Sept 1901, JC 11/32/13. Selborne's Memo. to Salisbury, 31 Oct 1901, presented to the Cabinet on 16 Nov 1901, Boyce (ed.), pp.128-136. Yakutieli, pp.187-203.

<sup>151</sup> Chamberlain to Brodrick, 12 & 17 Sept 1901, JC 11/8/52, 54.



of his conversation with Kitchener, Brodrick reacted with undisguised contempt to the way Hicks Beach was trying to pressurise the military to make drastic reductions in South Africa, reductions which could possibly jeopardise future operations. Brodrick it seemed took the Chancellor's strictures personally, and took out his annoyance on Chamberlain.<sup>152</sup> On 18 September, Brodrick, by now overstrained with events in Cape Colony and army reform at home, told Chamberlain:

I am straining every nerve to decrease expenditure. But last week the return...from S.Africa showed men to feed 315,000, horses & mules 241,000...I am doing all that a man here day after day can do, short of ordering troops home whom K. cannot spare.'<sup>153</sup>

Brodrick himself was as convinced as Kitchener seemed to be regarding the efficacy of clearing the Cape Colony, before any reductions could be made; and, coupled with Kitchener's desire to be cooperative, Brodrick stuck firmly to the military point of view.

Roberts also backed Kitchener, and was only too ready to support him after the distasteful business in the summer, when he had been obliged to order Kitchener to implement Milner's ideas. Roberts's unreserved backing of Kitchener was due to a combination of factors. First, Roberts held Kitchener in high esteem after their successful time together in 1900; secondly, Roberts was now extremely irritated by the British government; thirdly, he resented Milner's interference; and finally, as the sum of all these, professional solidarity ensured his support for a fellow officer: after all, the reputation and honour of the British army was at stake. Unsurprisingly therefore, on 19 September, Roberts made his support for Kitchener apparent in a long memorandum to Brodrick, in which he outlined Kitchener's difficulties in the Cape. A copy was also sent to Kitchener, letting him know that he did have friends in high places.<sup>154</sup> Moreover, Roberts was prepared to take the argument further; on the following day, Brodrick received a letter that combined both pomposity and an indirect threat to members of the Cabinet:

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<sup>152</sup> Brodrick was also under pressure from the King who said the only way forward was to 'allow Lord Kitchener an entirely free hand...' S. Lee, *King Edward VII. A Biography*, (London, 1927), II, p.79.

<sup>153</sup> Brodrick to Chamberlain, 18 Sept 1901, JC 11/8/55.

<sup>154</sup> Roberts to Brodrick, 19 Sept 1901, RP 122/2/ff.134-136.

As regards any reduction of the force now in South Africa, we need not trouble ourselves. I consider that an impossibility until peace has been established throughout Cape Colony, and a reliable Police Force has been raised... *The Times* of to-day takes the view, which I feel pretty sure is generally held throughout the country, and it is for us at the War Office to see that everything is done to keep the Army in South Africa in a thoroughly efficient state.<sup>155</sup>

Roberts was obviously full of his own self-importance, but his opinion could not be ignored and was, perhaps nearer the truth than the politicians might have wished. Already Chamberlain had warned Hicks Beach that his demands might risk the resignation of both Brodrick and the C-in-C; 'We cannot fairly say to all the experts "cut down the army by so many millions" unless we have some broad idea of how the necessities of our defensive position can be met with the smaller sum.' Chamberlain also realised that the time was not ripe for cuts, and that the public and the party would not support reductions, '...against the advice of all the experts and merely to save taxation and pay off debt.'<sup>156</sup>

Hicks Beach was not deterred by this advice, nor by the growing criticism of his views from Brodrick and Selborne, and carried the correspondence further. So when Roberts made his views known, Brodrick felt it necessary to put the military view before the Cabinet at the end of the month.

However, before that took place the military situation took a turn for the worse, and ironically bolstered Kitchener's position rather than undermining it. On 17 September, Gough's force in Natal was ambushed by Botha, and Gough himself captured. On the same day in Cape Colony, Smuts surprised a party of 17th Lancers and defeated them also. If this was not enough, De La Rey emerged from his lair in the Western Transvaal and attacked Von Donop's forces at Kleinfontein (24 Sept), and Kekewich's column at Moedwil (30 Sept). The effect of these humiliations, far from blotting Kitchener's record, merely showed that it was far too early to start thinking of troop reductions while the Boers were still active and capable of administering such stinging defeats. A further irony was that in themselves these setbacks hardly affected the military situation at all: they

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<sup>155</sup> Roberts to Brodrick, 20 Sept 1901, RP 122/2/ff.149-150. *The Times* noted, 'The public, with their plain common sense, grasp the truth, which seems to escape the custodians of the national purse, that to attempt to make war "on the cheap" is, in the long run, the costliest and the most inept of all follies.' *The Times*, 20 Sept, p.7.

<sup>156</sup> Chamberlain to Hicks Beach, 12 Sept 1901, JC 11/18/10.

were humiliating but they did not hold up the process of grinding down Boer resistance. British forces were still numerically superior and the blockhouse line was beginning to deny the Boers access to foodstuffs. But press reports tended to over-react when news of these minor engagements arrived in Britain, and exaggerated their value to the Boers. Kitchener himself had complained earlier about the effect of the press coverage, particularly that of the *Daily Mail*. Articles appearing in that paper, according to Kitchener, tended to help prolong the war by giving the Boers hope. Kitchener believed that if the press could just ignore the Boers, it would deflate their self-confidence and make them realise they could not influence opinion in Britain.<sup>157</sup> But, as Roberts's earlier note suggested, the government was sensitive to adverse press coverage, especially from those papers deemed sympathetic to the Unionist cause.

On 30 September Brodrick presented his memorandum to the Cabinet, and reiterated the now unshakeable 'opinion', that in order for the Cabinet's strategic recommendations to be carried out, it was necessary first to end the fighting in Cape Colony, something even Milner agreed with. All efforts to increase mobility and destroy the commandos operating in Natal and the Cape was being done. 'The net result, however, of these proceedings is to make it impossible as well as impolitic to withdraw any body of troops, and Lord Kitchener makes it clear that he cannot part with any infantry.' Brodrick explained that Kitchener was doing all he could to make economies, as he himself was doing at home. Essentially, Brodrick's memorandum was a plea for a relaxation of the pressure he and the military were under to make concessions for the political well-being of the party. In fact, he argued that reductions in expenditure and troop numbers would have the opposite effect, and alienate the party with the electorate. With the recent defeats as evidence for the military, Brodrick quieted criticism for the time being. Chamberlain used the lull to terminate his correspondence with Hicks Beach on 4 October.<sup>158</sup>

Kitchener sought to explain that what was needed was not a relaxation of measures against the Boers, but an increase in their intensity: in other words to follow his way of doing things. Thus he called for harsher measures against the Boer leaders as a sign of

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<sup>157</sup> Kitchener to Roberts, 9 Aug 1901, RP 33/f.41.

<sup>158</sup> Memo. by Brodrick, 30 Sept 1901, CAB 37/58/91; Chamberlain to Hicks Beach, 4 Oct 1901, JC 11/18/15.

the government's commitment to his strategy. He informed Roberts that more could be done in selling Boer property, and by sending the women of those due for banishment out of the country. Kitchener wanted a more stringent policy imposed and believed the Boers would take notice of this if it was pushed by the Colonial Office. This was followed on 18 October by a demand that rebels who had recently joined the Boers deserved the severest penalties.<sup>159</sup>

Kitchener also became more blunt in his appreciation of the situation. He told Roberts on 15 October that it was impossible for him to follow the instructions of the government, and said that as the Boers showed no signs of reducing their operations he 'could well employ even more mounted troops that are efficient.' Brodrick laid this communication before the Cabinet and recommended that 'the supply of necessary troops to Lord Kitchener must not be slackened.'<sup>160</sup> Two days later, Kitchener emphasised that although the Boer invasion of Natal had been a failure, 'they seem as fanatically disposed to continue the war as ever, and I fear it can only end by our catching all or almost all of them. It is hard work for our men and horses, and must take a considerable time. I think you ought to be prepared for this.' Kitchener was now distancing himself from the orders he had received in the summer; he was openly asking for more troops and arguing that it would take time to bring the Boers to heel. Kitchener even suggested that if Brodrick thought anyone else could do better, 'I hope you will not hesitate for a moment in replacing me...You must remember that as we go on catching Boers, we weed them out, and the residue left in the field are generally their best men and therefore more difficult to deal with.'<sup>161</sup>

Kitchener was known to suffer bouts of depression and to sulk for days on end, but his recommendation that he should be sacked was never supposed to be taken seriously. It was a calculated gesture in that he knew Brodrick would send telegrams reassuring him, something perhaps he was psychologically in need of; it also served as a reminder that there really was no one else who could replace him.

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<sup>159</sup> Kitchener to Roberts, 4 & 18 Oct 1901, RP 33/ff.52, 53.

<sup>160</sup> Memo. by Brodrick, 16 Oct 1901, CAB 37/58/99.

<sup>161</sup> Kitchener to Brodrick, 18 Oct 1901, KP 22/Y95.

This was emphasised when the government became concerned about Kitchener's health, thinking he might have been suffering from stress and strain. The only replacement qualified enough to oversee the whole of the South African military theatre was Roberts. He told Kitchener that the government had consulted him about a replacement should he need a rest and added, 'My hope is that you will be able to hold on and bring the war to a satisfactory conclusion, but we cannot afford to lose your services, and whenever you think you have had enough don't hesitate to let us know.' He then volunteered his services as a replacement should Kitchener want to take up the offer of a rest.<sup>162</sup>

The effect of these words on Kitchener can only be guessed, but it may be assumed that while they offered comfort to a man suffering from periodic bouts of self-doubt, they may have also increased his sense of self-worth. It was now obvious that whatever the government might think of his methods, the only threat they could offer in the form of a replacement was Lord Roberts, whose reputation had been somewhat tarnished by the onset of the guerilla war in 1900. Kitchener's reply to Roberts does not seem to indicate any concern about his own position, but more for the situation in South Africa. In fact, Kitchener's concerns relate only to those problems that beset any commander in such a war; the annoyance of the pin-prick defeats; press exaggeration; staleness of officers and men; and a desire for fresh troops to lead the hunt for the Boers.<sup>163</sup>

If Kitchener was untroubled by government anxiety and hardly feared for his position, he spared little thought for Milner's views as well. In mid-September, Kitchener spoke to Milner on the issue of the 'three commands' and told him that it was not in the best interests of the army. Triumphantly, Kitchener told Roberts that Milner had evidently agreed that 'it was quite a bad plan, and that you will hear nothing more about it from him.' Roberts reply was equally comforting, 'I think, as I believe I must have told you, Milner's idea of three separate commands [is] out of the question. It would inevitably result in his becoming the Commander-in-Chief in South Africa. You may depend upon such a proposal never being accepted here.'<sup>164</sup>

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<sup>162</sup> Roberts to Kitchener, 19 Oct 1901, RP 122/2/ff.209-210.

<sup>163</sup> Kitchener to Roberts, n.d. Nov 1901, RP 33/f.58.

<sup>164</sup> Kitchener to Roberts, 13 Sept 1901, RP 33/f.46; Roberts to Kitchener 27 Sept 1901, KP 20/O40.

On 30 October, one of Kitchener's best commanders, Colonel Benson, was killed and his column heavily defeated during operations in Natal. Kitchener was able to use this disaster finally to reject the government's strategy. Again, although the defeat was not one of prime military importance, Benson had been a very successful leader, working with one of the best intelligence officers, Wools Sampson. This in itself tended to make the setback seem far worse than it was; Benson's death certainly shook Kitchener, but it gave him the excuse he needed to begin his own counter-attack on the Cabinet's demands for reductions. Kitchener rammed home the problem in a way the politicians would find hard to refute: he told them that some risks had to be run:

and if a column like Benson's, operating 20 miles outside our lines is not fairly safe it is a very serious matter and will require a large addition to our forces to carry on the war...I am sending you a telegram on the subject of reinforcements, I have been in hope that the recent loss of prestige in Natal and shortness of everything, would cause the break-up of a large section at least of the enemy's forces. The recent activity of the Boers everywhere however, makes me reconsider the situation. As we drive them out of areas it takes more troops to keep them out, and I consider that more troops will hasten the end which we all so much long for.<sup>165</sup>

Kitchener's letter not only showed again how military defeat could be exploited to help his cause, it exacerbated tensions within the Cabinet. The consequence of Kitchener's reasoning was effectively to isolate Hicks Beach and his notions of expenditure cuts. Ministers were determined to maintain the Cabinet's effectiveness and cohesion by acquiescing to Kitchener's demands, and they agreed to despatch reinforcements.<sup>166</sup> It might be asked why the Cabinet did not order Kitchener to reduce his forces and adopt Milner's strategy, when it was obvious that other columns would be destroyed as a result of Kitchener's policy? The answer is probably that the Cabinet realised they might have risked Kitchener's resignation if such an order had been sent. And without a viable alternative to Kitchener they could not gamble on his meekly following their orders.

By the end of October, Milner was heartily sick of the military's management of affairs in South Africa and his patience with Kitchener had reached breaking point.

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<sup>165</sup> Kitchener to Brodrick, 1 Nov 1901, KP 22/Y100.

<sup>166</sup> Brodrick to Kitchener, 21 Oct 1901; Kitchener to Brodrick, 23 Oct 1901; Memo. by Brodrick, 25 Oct 1901, CAB 37/58/107. Salisbury to King, 29 Oct 1901 & 5 Nov 1901, CAB 41/26/22, 23.

Kitchener had earlier told Brodrick that he and Milner were cooperating quite happily, opening more mines and bringing in more refugees to Johannesburg.<sup>167</sup> But this assumption revealed his lack of understanding in dealing with Milner.

Although no record of Milner's views has been found, it seems unlikely that he took kindly to Kitchener's rejection of his idea about the 'three commands.' For Milner, it was further evidence of Kitchener's intransigence and surely added to his growing frustration. Moreover, he must have been aware that Kitchener was now asking for reinforcements, which meant that he was not going to reduce his forces as a preliminary to setting up protected areas. And, to make matters worse, the situation in the concentration camps had deteriorated to an all time low, as the mortality figures reached 344 per 1000 in October.<sup>168</sup> So when, on 31 October, having been prompted it seems by Benson's disaster, Chamberlain wrote on behalf of the Cabinet to ask what exactly had happened in South Africa since Milner's visit in May and June, Milner was ready with his reply.

Chamberlain's telegram revealed an underlying impatience within the government for the way in which the war was being conducted. Milner was to tell them why protected areas had not been set up; why special columns had not been formed to go after specific Boer leaders such as Steyn and Botha; and why the condition of the camps had deteriorated so drastically, especially as this was causing comment in Britain, and becoming a serious political liability. He added, 'I know it is a delicate matter interfering with military discretion but you might discuss this question with Kitchener & in any case I desire fullest possible report & explanations from you...'<sup>169</sup>

Milner wasted no time in sending his reply and informing the Cabinet what exactly he thought of Kitchener. It shows more than anything the reality of the civil-military position in South Africa; Milner confessed that:

I do not think that my opinions, frequently expressed have any weight with the C.in.Chief...He has probably more than the ordinary soldier's contempt

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<sup>167</sup> Kitchener to Brodrick, 11 Oct 1901, KP 22/Y94.

<sup>168</sup> Le May, p.109. By September there were over 110,000 inmates in the camps; in March there had been about 35,000, but there had not been an increase in the number of camps themselves. In April 395 deaths were recorded; in October 3,205. In Brandfort and Kroonstad camps the death rate exceeded 1,000 per 1,000 per annum. Spies, pp.215-216.

<sup>169</sup> Chamberlain to Milner, (tel.), 31 Oct 1901, JC 13/1/190.

for the opinions of a civilian, &, though he is always perfectly friendly & ready to listen, I find discussion of these matters with him quite unprofitable & am indisposed to continue it... It is impossible to *guide* a military dictator of very strong views & strong character.

Milner had virtually given up trying to influence Kitchener's decisions and was resigned to letting him get on with it; 'nothing is worse,' he wrote, 'especially in military matters, than a compromise between two schemes.' He acknowledged that Kitchener was not going to conduct the war according to his views, or anyone else's; the only way to ensure there was a change was to have Kitchener replaced, even though this was no guarantee that his replacement could do the job better. Milner believed, however, that the more amenable General Lyttelton would be prepared to see the occupied areas put to work and not view the whole issue as a military one: if Lyttelton was given explicit instructions, Milner was quite convinced he would carry them out to both his and the government's satisfaction. Milner added that he wanted control of the railways, in order to facilitate rapid reconstruction; at present he believed the railways were not working to their full capacity and were doing very little for the civilian population. And for good measure, Milner explained that Chamberlain's idea of using special mobile columns to catch specific Boer leaders had not been carried out according to plan; that is, the leaders themselves had not formed the specific target that Chamberlain wanted, only their commando had been the object of Kitchener's pursuers. In summing up, Milner was quite clear as to what was needed; 'Let us make up our minds that the Boers will fight on; let us beat them as hard as we can; but let us *simultaneously* go on with our own business.'<sup>170</sup>

Chamberlain showed this letter to many of his ministerial colleagues, including the Prime Minister. Chamberlain was reluctant to endorse or criticise Milner's letter until he had discovered the views of other ministers, a recognition perhaps that a decision for or against Milner might change the course of the war.<sup>171</sup> The question before them was should civil authority be asserted or not. This probably explains the fact that those who recorded their opinions for Chamberlain were not unanimous. Those who favoured

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<sup>170</sup> Milner to Chamberlain, 1 Nov 1901, JC 13/1/191. [Milner's italics].

<sup>171</sup> Ministerial Comments. c.15-16 Nov. 1901 JC 13/1/192-197.



Milner's scheme were Selborne, Walter Long and Lord Ashbourne: those opposed to Milner's ideas were Lansdowne, Lord James of Hereford, R. W. Hanbury, Brodrick, Balfour of Burleigh, Lord George Hamilton and Akers Douglas. The reasons for the division are revealing: the pro-Milner group believed Kitchener was exhausted and that a stage had been reached when it was quite safe to replace him with another officer. On the other hand, the opposing group felt that replacing Kitchener would be looked upon as a defeat, and that he was not as tired as his critics and Milner made out. The King also subscribed to this view, telling Brodrick that if Roberts was sent out the world would assume they had lost confidence in Kitchener. 'Unless Kitchener is *really* seriously ill,' he continued, 'he should remain at his post and see the war out, or it would have a deplorable effect and damage the prestige of the Army in a terrible way.'<sup>172</sup> Lord George Hamilton believed that the Buller affair would make the Army unmanageable if Kitchener was removed;<sup>173</sup> but Akers Douglas was, perhaps, more correct when he suggested that Kitchener was second only to Roberts in the confidence of the public, implying that the loss of public confidence in the government would be a disaster.

Lord Salisbury's opinion was the decisive element in settling the matter. He could not understand why Milner wanted Kitchener replaced, and stated that Milner was vague in his criticisms of Kitchener; nor had he explained fully why Lyttelton would do a better job:

I do not see how we can move in this direction. No one will take our bare estimate (even if we all agree) as a ground for casting what must be a slight on a servant who has done and is doing valuable service, and reversing or changing the course of military policy, which has had a measure of success, in favour of an indefinite experiment for whose issue we have no sort of guarantee: and which will always have this objection adhering to it, that it is the judgment of laymen against the judgment of soldiers. We must know much more fully in detail what it is that Milner has asked *in vain* of K. before we make it a ground for superseding K. by a commander chosen by Milner.<sup>174</sup>

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<sup>172</sup> Edward VII to Brodrick, 14 Nov 1901, cit. Lee, p.82. [The King's italics].

<sup>173</sup> In October, Buller had contravened army regulations by making a public speech about the aftermath of Colenso, and referred to documents which the government had withheld from the public. Consequently, Roberts and Brodrick had Buller sacked. However, many Liberals took up Buller's cause and he still remained immensely popular.

<sup>174</sup> Salisbury to Chamberlain, 26 Nov 1901, JC 11/30/216. [Salisbury's italics].

This was the real crux of the matter, not the possible effect emphasised by Le May of a combined Kitchener - Buller sacking on army morale.<sup>175</sup> He suggests that Lord George Hamilton spoke for the majority of the Cabinet when he said the Buller affair would make the army unmanageable; but it appears that no other minister even mentioned Buller and Hamilton was not a weighty voice in the Cabinet. Sacking Kitchener at any time was fraught with danger. Even offering Kitchener an early appointment in India, in the hope of mollifying his feelings, would hardly have disguised the fact of his sacking from him or the general public. It might have provided a smokescreen to hide the truth from the public, but all smokescreens vanish fairly quickly: it would soon have become common knowledge that Kitchener and the politicians had fallen out. But, as Salisbury pointed out, the great imponderable was that there was no clear, hard evidence to suggest that the alternative approach would succeed. For a government already lambasted by the press, such a policy was too dangerous to contemplate. What if Milner's policy had backfired; what if the Boers did manage to disrupt the protected zones and made the business of reconstruction impossible? The government might then be left with the humiliating task of recalling Kitchener - that is if he wanted to go back to South Africa. If Lyttelton failed, who could replace him?

Milner's letter obliged the government to look hard at their position in relation to Kitchener; what they saw was not encouraging. Salisbury might use the Buller affair as one of his own reasons for not sacking Kitchener, but that episode was merely a convenient cover. He knew that to remove Kitchener against his will would have caused the break-up of his Cabinet, especially as there was no one of high renown (or of high public profile) to succeed him. The Buller episode hid the unpalatable truth that ministers were tied to Kitchener: if he sunk into oblivion, so would they.

Chamberlain, reluctantly it seems, acknowledged the force of Salisbury's viewpoint - that nothing should be done to give the impression the government had lost faith in Kitchener - although he ventured the thought that it might look natural if Kitchener was transferred to India.<sup>176</sup> Chamberlain, however, had said much the same as Salisbury to Winston Churchill after the latter had criticised the government for giving the generals too

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<sup>175</sup> Le May, pp.122-124.

<sup>176</sup> Chamberlain to Salisbury, 26 Nov 1901, SP CC/f.203.

much latitude. Then, Chamberlain had argued that he could not just step in and interfere without consulting Kitchener; this would have resulted in wholesale resignations, 'and a state of anarchy which would be worse than anything which we have yet known.'<sup>177</sup> Salisbury's reasoning merely confirmed what Chamberlain already knew, and dashed any hopes that a way might be found to control Kitchener. Chamberlain ended his acknowledgement with the vain hope that it might be possible to relieve the military of control of the railways and supplies, but it was not expressed with any degree of conviction and fell far short of persuading Salisbury.

Milner had, moreover, weakened his own position by supporting Kitchener on certain issues. For example, Milner had already supported Kitchener on the banishment issue, despite the reluctance of ministers. Furthermore, in September, Milner asked Chamberlain for an extra proclamation to complement that of 7 August.<sup>178</sup> Milner wanted to see a wider definition accorded to the term confiscation. He wanted to sell off the property of all burghers in the field to defray the costs of keeping civilians in the concentration camps. This was particularly aimed at the Boer leaders whose families were not in the camps, but in the towns, with the commandos, or absent in Europe. Chamberlain prevaricated, said it was against international law, and might be considered a breach of faith if a new penalty was established rather suddenly.<sup>179</sup> Again, in November, Milner intervened on behalf of Kitchener when he poured cold water on Chamberlain's 'special columns' idea, virtually contradicting his earlier pronouncements:

I doubt whether, with the *single exception of Steyn* the capture of any leader, even Botha or De La Rey (tho' these two are far the most important) would have quite as much effect as we suppose. The Boers have a wonderful knack of developing leaders as they want them & I am not by any means sure that if Botha or De La Rey were caught tomorrow Ben Viljoen or Kemp would not in a few weeks be found to do just as well or ill.<sup>180</sup>

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<sup>177</sup> Chamberlain to Churchill, 15 Oct 1901, cit. R.S. Churchill, *Winston S. Churchill*, (London, 1969), II, Companion volume, I, pp.93-94. Churchill's original letter is in JC 11/9/5, 14 Oct 1901.

<sup>178</sup> See Section IV, p.174.

<sup>179</sup> Milner to Chamberlain, 27 Sept 1901; Chamberlain to Milner, 2 Nov 1901, CO 879/73/650/260, 278.

<sup>180</sup> Milner to Chamberlain, 15 Nov 1901, JC 13/1/201. [Milner's italics].

In his desire to control all aspects of the settlement of South Africa it is not surprising to find that some members of the Cabinet were unable to agree with Milner, as he often sounded like Kitchener himself. But, at least Milner's efforts had woken ministers to the fact that Kitchener would have to oversee British policy throughout the region. Only Milner seemed reluctant to acknowledge this, although, eventually, even he had to admit there was nothing he could do either to change Kitchener's strategy, or have Kitchener removed.

## VI

This section examines the aftermath of Milner's failure to get Kitchener sacked and falls into two parts. The first shows how the British government, now aware that it could not threaten Kitchener with the extreme option of sacking, instead sought to keep Kitchener's mind firmly fixed on the task of rounding-up the Boer commandos. Having granted more reinforcements in October, ministers were determined that Kitchener should finish the war quickly. For the time being, all talk of troop reductions and cuts in expenditure was stopped, as the military campaigns became the focus of government attention. The second part deals with Milner's continuing and fruitless attempts to undermine Kitchener's authority.

Kitchener was made aware of this in November after he and Milner had agreed with Governor McCallum of Natal to deport certain women from South Africa. These were the wives of some of the leading men still on commando and Milner wanted them removed simply because it was part of his policy to get the Boer generals out of the country altogether. For Kitchener it was a military decision as it was believed the women were passing military secrets to the commandos.<sup>181</sup>

When the Cabinet met on 19 November they were unanimous that such a decision would cause more harm than good.<sup>182</sup> Kitchener on hearing of this decision was deeply concerned:

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<sup>181</sup> McCallum to Chamberlain, (tel.), 9 Nov 1901, CO 879/73/650/288; Le May, p.105; Spies, pp.273-275. The women were the wives of Steyn, Roux, De Wet, Schalk Burger and Hertzog.

<sup>182</sup> Salisbury to the King, 19 Nov 1901, CAB 41/26/25; McCallum was told to suspend the order by Chamberlain on 10 Nov 1901, (tel.), CO 879/73/650/289.

By cancelling the order, our position has of course been weakened and the Boers have another opportunity of proving to themselves that our threats are nothing more. Whether this is better than the trouble that would be caused in England by some people who might consider our action was wrong or ill-judged is a matter that probably appears of greater importance according to where it is viewed from.<sup>183</sup>

Kitchener may have been right; but it showed ministers were determined to make sure he stuck to his task and did not indulge in any more experiments, whose value in the past had proved illusory. The gist of Brodrick's note to Kitchener on 23 Nov 1901, was that there had been no appreciable result from various measures tried over the last two years. Thus it showed clearly that ministers were determined to keep Kitchener's attention fixed on the military campaigns. To this end, the Cabinet, at Roberts's suggestion,<sup>184</sup> decided to send General Hamilton back to South Africa. Hamilton was given secret instructions to keep watch over Kitchener's handling of the war, and to report back about his methods and the state of the country as a whole. Brodrick told Kitchener that everyone was concerned about his health, and they hoped Hamilton would relieve him of some of his more onerous tasks. Nothing was said of Hamilton's secret instructions, but the government was now committed to keeping Kitchener's mind fixed firmly on resolving the conflict.<sup>185</sup>

Brodrick also became anxious lest Kitchener should fail to use the reinforcements, sanctioned in October, for operations in the Cape. Kitchener had told Roberts that the situation had stabilised somewhat and thought any fresh troops ought to be used in keeping the likes of De Wet, De La Rey and Botha out of the colony: he was ever mindful of the panic that had ensued in Natal following Botha's earlier invasion.<sup>186</sup> But Brodrick wanted to make sure Kitchener did not lose sight of the main objective: the clearance of Cape Colony. Although he was aware that the situation in the colony had

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<sup>183</sup> Kitchener to Brodrick, 15 Nov 1901, KP 22/Y102.

<sup>184</sup> Roberts to Brodrick, 2 Nov 1901, RP 122/2/ff.245-246.

<sup>185</sup> Roberts to Hamilton, 22 Nov 1901, RP 122/2/ff.265-267; Brodrick to Kitchener, 16 Nov 1901, KP 22/Y104. Kitchener was quite relieved to hear Hamilton was returning, and added that he would not be surprised if the government had decided to recall him for not finishing the war quickly enough. Kitchener to Brodrick, 8 Nov 1901, KP 22/Y101. Hamilton, though, told Kitchener of his 'secret orders.'

<sup>186</sup> Kitchener to Roberts, 29 Nov 1901, RP 33/f.61.

improved, and that the new troops might be better employed elsewhere, Brodrick wanted Kitchener to finish the war in the Cape once and for all as this '... would be the best guarantee of future progress.' Only then could troop reductions go ahead, and mining and agriculture be resumed. Moreover, Brodrick was now thinking of the estimates for 1902-1903, and Kitchener was the only one who could supply him with information as to when reductions in the army might be made: Brodrick suggested 30 June 1902 as a time when reductions might start to take place.<sup>187</sup>

Kitchener's forces were being systematically worn out by the repeated Boer hunts, and he consequently sent in a request for even more troops instead of ideas on reductions. Kitchener wanted more Yeomanry and Australians, as many of the former were clamouring to go home. Some of them were only being paid 1/2d a day, compared to the 5/- a day for those who had come via Rhodesia and the Colonial forces.<sup>188</sup> The main problem for the government, however, was that Kitchener's demands threatened, once again, to reopen the disputes within the Cabinet. Hicks Beach had intimated that he would not accept raising more troops at 5/- a day, and Brodrick was certain he would find himself at odds with the Chancellor if Kitchener's demands were not met.<sup>189</sup> As it was, a drop in War Office expenditure enabled funds to last until February, and allowed Brodrick to press for the reinforcements to be sent; this request was granted sometime in late December.<sup>190</sup>

Brodrick was concerned by Kitchener's demands, and he suggested to Kitchener that he would be supported by the government if he followed Salisbury's favoured option of holding only selected positions and using the extra troops to hunt down the Boers. Evidently Brodrick was anxious to impress on Kitchener how imperative it was to end the war quickly, especially as the government expected, 'a strong revulsion of feeling

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<sup>187</sup> Brodrick to Kitchener, 7 Dec 1901, KP 22/Y110.

<sup>188</sup> On 14 November, Kitchener asked the Adjutant-General, General Kelly Kenny, to start sending 1,000 drafts per month for the Yeomanry commencing January 1902. Kitchener to Adj-Gen., 14 Nov 1901, SJB/PRO 30/67/8.

<sup>189</sup> Brodrick to Salisbury, 19 Dec 1901, SJB/PRO 30/67/8.

<sup>190</sup> Yakutiel, pp.203-205.

here...We have great confidence here that when you have had time to alter the disposition of your troops the war will enter on a new phase.'<sup>191</sup>

Privately, ministers criticised Kitchener's tactics and strategy. Salisbury was clearly apprehensive about Kitchener's methods, and the adverse effect they were having on public opinion in Britain. He cited the arbitrary punishment of those whose guilt had not been fully established, such as in accusations of disrupting communications, where being in the neighbourhood was often considered guilt enough; nor was he satisfied that burning the house of a Boer commandant was justified simply because the man was still on commando. Both Lansdowne and Chamberlain agreed with Salisbury.<sup>192</sup> Ministers were acutely conscious of, and sensitive to, the growing political unpopularity created by Kitchener's methods. Moreover, these complaints also reflected ministerial frustration at their lack of authority, and an awareness, perhaps, that this criticism would have little or no effect on Kitchener.

Frustration and anger was growing in political circles. Having been constantly informed that the only way the war could be won was for the military situation to improve, every setback was likely to cause much irritation. When, on 7 March 1902, Lord Methuen was wounded and captured at Tweebosch, the politicians were incensed. 'It is really our worst since Colenso,' Brodrick told Violet Cecil, 'His [Methuen's] mounted troops bolted, and I have to begin the old driving & harrying to get some one made accountable. The Cabinet are quite out of patience with it & I really don't wonder...'<sup>193</sup>

Brodrick pestered Kitchener immediately, demanding to know who was responsible. Methuen's disaster was the second in ten days (Von Donop's convoy had been taken at Yzer Spruit by De La Rey on 24 February), and followed too closely De Wet's victory at Tweefontein on Christmas Day. Information was now coming in which suggested that the Tweefontein disaster might have been avoided, because troops in the vicinity had been warned that de Wet was nearby. Brodrick told Kitchener that he wanted examples made: 'People here will stand anything now in the way of men & money; but

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<sup>191</sup> Brodrick to Kitchener, 22 Dec 1901, KP 22/Y115(a).

<sup>192</sup> Salisbury to Brodrick, 28 Nov 1901, SJB/PRO 30/67/8. This also contains the comments of Lansdowne & Chamberlain.

<sup>193</sup> Brodrick to Violet Cecil, 14 March 1902, VMP VM36/C176/136.

they will not readily overlook carelessness in a small section of the force when you, all your officers & 99 out of every 100 men are undergoing immense exertions.’<sup>194</sup>

All this government anger, however, merely threatened to reopen old wounds left by earlier skirmishes with Roberts over who should be responsible for military discipline. Roberts now seemed quite calm on the subject, having expended his anger during the summer of 1901, when he had threatened to resign. He told Hamilton that, ‘Brodrick is, as you know, inclined to do things off his own bat, but he has improved immensely in this respect, and I don’t think he will again instruct Kitchener how to deal with officers who may be unsuccessful.’<sup>195</sup> Indeed, Kitchener was later informed by Roberts that he had arranged for all disciplinary communications to come from him, and not from Brodrick.<sup>196</sup>

For Milner, the government’s inability to deal decisively with Kitchener must have come as a great disappointment, but he did not give in and continued to press his views on the government whenever he could. Although limited progress had been made on the Rand,<sup>197</sup> Milner remained unsatisfied. Between November 1901 and April 1902, Milner still tried to influence the conduct of the war, and continued to seek the support of the British government.

Milner’s refusal to admit that nothing could be done while the war lasted, and his reluctance to concede anything to the military, was due in part to the anger felt at the army’s continual hindrance of his plans. While certain high-ranking officers said they agreed with him, they claimed there was always a reason why they could not act upon his demands. Nothing it seemed could be done to alleviate the refugee problem at the Cape, or get more industry working on the Rand. This was the view of the Chief of Staff in Johannesburg who said Milner did not understand the real problem; the railways were already working at full capacity, but repeated attacks on the line kept it in a disorganised state. Milner was fobbed off with the remark that the difficulty of supply and transport

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<sup>194</sup> Brodrick to Kitchener, 15 March 1902, KP 22/Y132; Brodrick to Kitchener, 13 March 1902, SJB/PRO 30/67/9, for concern over the Tweefontein disaster.

<sup>195</sup> Roberts to Hamilton, 4 April 1902, RP 122/3/ff.227-232.

<sup>196</sup> Roberts to Kitchener, 18 April 1902, KP 20/O69.

<sup>197</sup> Between May and December 1901 some 13,500 refugees had returned to the Rand; by December 15 mines were operational. Cammack, pp.173, 183.



was much greater than he realized. Milner, however, remained unconvinced. He informed Chamberlain that the railways could supply both the military and the civil population and felt they were being wasted. This was part of Milner's complaint to Chamberlain about Kitchener, and was another reason why he wanted him sacked. Milner said the railways should be worked under his authority.<sup>198</sup>

Kitchener had stopped political criticism of his own methods by continually referring the government to the difficulties in Cape Colony. It was a case that was difficult to argue with, and as long as Kitchener diverted all his resources to ending the problem, there was little Milner could do about it. But when he received messages from Hely-Hutchinson, explaining the situation as he saw it, as he did on 20 November, Milner's temper was hardly soothed. Hely-Hutchinson wrote to him after talking with General French:

He agrees with me that K. doesn't attach sufficient importance to the necessity of clearing Cape Colony. He expects fighting to go on for another six months...Chamberlain has telegraphed to me to write him a despatch which he can publish, showing the *progress*...in the Cape Colony. Not an easy job if I am to keep clear of impliedly criticising military organisation & arrangements.<sup>199</sup>

In addition, the situation in the concentration camps had reached an all-time low as child-mortality in particular had reached unprecedented levels in October. In November the mortality figures rose again, much to Milner's chagrin. While ordering his officials to do all they could to procure anything they needed in the way of food and medicines,<sup>200</sup> Milner was in no doubt who was to blame for this appalling state of affairs. Although he himself realised that excuses and explanations were no longer adequate to explain the terrible conditions in the camps:

I should much prefer to say at once, as far as the Civil Authorities are concerned, that we were suddenly confronted with a problem not of our making, with which it was beyond our power properly to grapple. And no doubt its vastness was not realised soon enough...The fact that it [mortality] continues, is no doubt a condemnation of the Camp system. The whole

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<sup>198</sup> COS, Johannesburg to Milner, 6 Nov 1901, MP IV/A/175/ff.245-246; Milner to Chamberlain, 1 Nov 1901, JC 13/1/191.

<sup>199</sup> Hely-Hutchinson to Milner, 20 Nov 1901, MP IV/A/174/ff.151-152. [Hely-Hutchinson's italics].

<sup>200</sup> Milner to Goold Adams, 4 Dec 1901 & 14 Jan 1902, MP IV/A/173/ff.245-248, 249-252.

thing, I think now, has been a mistake. At the same time a sudden reversal of policy would only make matters worse. At the present moment certainly everything we know of is being done, both to improve the camps and reduce the numbers in them. I believe we shall mitigate the evil, but we shall never get rid of it.<sup>201</sup>

However, as Milner's opinions carried little weight in shaping military strategy, the influx of civilians to the concentration camps continued.

Milner's anger boiled over as Kitchener continued to pursue his own policies. Every quarrel or disagreement became magnified by Milner's intense frustration at having to play second fiddle to Kitchener. Yet the more he complained, the greater the realisation that Kitchener, could not and would not be moved. All Milner could do was to let off steam in his letters to Chamberlain, but this only increased the growing realisation of his own weakness. Milner admitted he could not agree with Kitchener on anything, even though they remained on friendly terms:

You may say if you differ from him on a matter wh. concerns you, why not have out, & if you can't carry your point refer to the Government for a decision? The answer is two fold. Firstly, such a decision if contrary to the C-in-C's views would only be formally obeyed. In the 101 small & devious ways in wh. it is possible for a man in possession of all the sources of power & channels of information, to avoid carrying out orders he does not agree with, things would go on as before. And secondly, and this is my strongest reason, I am personally quite determined to be no party to a domestic quarrel. I am too painfully impressed by the odiousness of the exhibition of differences amongst ourselves. I mean amongst leading Englishmen out here by the handle they afford the enemy.'

Milner conceded that he and Kitchener were so far apart in their views that no blame could be attached to the other. Yet this did not prevent him reiterating his views on the best strategy to employ in the new colonies. A golden opportunity was being wasted as nothing was being done to take advantage of the deserted country; Milner had given up trying to make the military change their minds as to cultivation. Even the revival of industry, where some progress had been made, had required a great effort (and still did), to keep it going.<sup>202</sup> What could be done to end this situation? Very little according

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<sup>201</sup> Milner to Chamberlain, 7 Dec 1901, JC 13/1/204.

<sup>202</sup> Milner said that the military were quite capable of putting up obstacles, as they did later with the recruitment of Portuguese natives. Milner complained Kitchener had 'tabooed' too much ground for British officials to recruit in, owing to his blockade on Delagoa Bay from the Transvaal. Milner to Kitchener, 17

to Milner; Kitchener would not go until the war was finished and the only way Milner could see that happening was (as he said 'Heaven forbid'), by a 'compact' or by catching every last Boer still on commando, which would take years: this in itself did not matter as long as Milner's ideas were followed, but Kitchener would never do this. Milner could only hope that some event would turn up to oblige Kitchener and half the army to be recalled to Britain by public demand. 'In that case, *if we could get our SAC back, & a practicable General, I think the bulk of the country would soon be quite quiet & we could scare off a few desperate districts till the fire gradually burned itself out. It is doing that already in places.*'<sup>203</sup>

Milner, of course, had used such outbursts before, during the pre-war crisis particularly in July 1899, following Chamberlain's apparent acceptance of Boer terms. Then, Milner had tried to redirect the way the British government was handling the crisis, through his own correspondence and the press. In 1899, Milner's task was somewhat easier as he and the government were on the same wave-length and the distance between them was not great.<sup>204</sup> This time however Milner was dealing with an entirely different situation and the same tactics were neither applicable nor successful. Milner could no longer influence the British authorities as he had done previously. He was no longer in charge in South Africa: Kitchener was.

On 12 March, in response to Milner's complaints, Chamberlain attempted to soothe the High Commissioner; but all he could do was to re-emphasise the nature of the problem they faced. It was the same old story which in his heart of hearts Milner knew to be correct. After making some suggestions and then destroying their feasibility immediately, Chamberlain stated, 'On the whole I see nothing for it but patience and a stiff upper lip, but I would beg you not to be discouraged and in spite of difficulties to press forward on every possible occasion your scheme of resettlement and recultivation

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March 1902, MP IV/A/175/f.266.

<sup>203</sup> Milner to Chamberlain 8 Feb 1902, JC 13/1/209. [Milner's italics].

<sup>204</sup> Porter, *Origins*, pp.230-233. In October 1901, Kitchener was criticized in *The Spectator*, which called for his dismissal. The editor, St.Loe Strachey was a friend of Milner's and it is likely that Milner prompted the article. Pakenham, p.535. Evidently, the article suggested sending out Roberts to replace Kitchener. This annoyed Lionel Curtis, then working for Milner in Johannesburg. 'Here people who really know the facts thank heaven that we have one man strong enough for this colossal but inglorious work.' L. Curtis, *With Milner in South Africa* (Oxford, 1951), p.326.

as well as developing the mining industries.' Then, more as an afterthought it seems than a concrete piece of advice, he concluded in an attempt to boost flagging spirits, 'If you find at any time that I can usefully intervene by bringing pressure to bear through the War Office, pray let me know. I might be able to do so without mentioning your name if it seemed desirable to keep you out of it.'<sup>205</sup>

Milner may ruefully have thought that Chamberlain's pressure had not achieved much in the past. This attempt to provide Milner with a tonic shows the paucity of the measures left open to the government in supporting their political nominee, as a balance to their all-powerful military one. Milner had by now recognised this; his complaints had borne little fruit in the way of changing policies in South Africa. Over the past six months, he might have asked, when had the Cabinet intervened decisively on his behalf? When had they said he was right and that Kitchener must comply? Milner replied to Chamberlain that he was more disgusted with military conduct than discouraged: this may have been true. He knew, by then, that a peace settlement still had to be concluded and he could get what he wanted from that. 'I feel very strongly as ever,' he wrote, 'that as long as a military dictator is necessary, it is not worthwhile *to fight*.'<sup>206</sup> As long as Milner could control the aftermath and have a pliable general in command, who did not interfere in what Milner considered civil matters, then he could tolerate the pre-eminence of the military at this stage of the war. Milner was intelligent enough to know that he and Kitchener were the same type of person - ruthlessly dedicated to what they thought best and determined to pursue their immediate objectives to a successful conclusion - and unlikely to reach agreement on the issues at stake. Indeed, some of Milner's utterances in his letters are remarkably similar to some of Kitchener's. For example, in his letter to Chamberlain on 20 December 1901, Milner discussed the current agitation amongst the Liberal pro-Boers and stated that the only sensible thing they had said was regarding his recall, 'wh. would at least have this element of good in it that it would greatly add to my personal comfort & leave the conduct of the main battle to a younger man...'<sup>207</sup> This is exactly the same sort of tactic employed by Kitchener, a sort of dare to his political

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<sup>205</sup> Chamberlain to Milner, 12 March 1902, JC 13/1/212.

<sup>206</sup> Milner to Chamberlain, 6 April 1902, JC 13/1/216. [Milner's italics].

<sup>207</sup> Milner to Chamberlain, 20 Dec 1901, JC 13/1/206.

superiors. There can be no doubt though, that men such as Kitchener and Milner would never have been able to stomach an ignominious recall, whatever the glowing attributes which might have followed. Milner's recognition of his secondary position to Kitchener may have come late in the day, but it made him all the more determined to make the peace negotiations a success, and achieve after the war, that which he had patently failed to do during it.

How accurate was Milner's assessment of Kitchener as a 'military dictator'? Milner might have used the term pejoratively, but there is little truth in the assertion. If we use the definition of a dictator as a 'statesman or soldier invested with absolute power to deal with a crisis,'<sup>208</sup> then Kitchener hardly fitted the bill. Kitchener got his way through pressure of circumstances and his manipulation of events. However, as both officials wanted to wield absolute authority in South Africa, each regarded the other as a dictator and this was the root of the trouble between them. The problem for Milner was that Kitchener held the advantage. Kitchener's authority was legitimate, in that he was entitled to the powers he wielded. While the war lasted, Kitchener's opinion, as the soldier and technical expert, was virtually sacrosanct, and under Colonial Office regulations the political authorities in South Africa were obliged to defer to his judgement.

In order to gain complete authority for himself, Milner had to persuade the British government that the war in South Africa was not a war in the conventional sense. He had to convince London that the war could be left to the SAC and not the army. Given that Roberts regarded the Boers as bandits rather than soldiers, Milner's insensitive handling of the Field-Marshal was a great mistake. Essentially, Milner's priority was to coax and cajole the government away from their reliance on Kitchener, to undermine Kitchener's prestige as the military expert and assume the mantle of civilian commander-in-chief in his stead. Owing to the government's uncertainty and loss of faith in Kitchener in June 1901 Milner nearly succeeded. In the end, when the government was faced with a choice of either Kitchener or Milner, they chose the former because, in reality, they had little choice. Kitchener not only held legitimate authority, he held the popularity of the British public; he was the new symbol of Empire and he was getting the political authorities out of the mess they had created. In the face of such reasoning Milner just could not compete.

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<sup>208</sup> F.G. Fowler & H.W. Fowler, *The Pocket Oxford Dictionary* (Fifth Edition, Oxford, 1977), p.229.

Kitchener has left little evidence of his opinions about other leading figures, even Milner.<sup>209</sup> We know, however, that Kitchener thought Milner vindictive after the Botha talks, and was aware of Milner's contrary opinions regarding the Boer leadership. Like Milner, Kitchener always thought he knew best, and he doubtless thought he knew what was best for South Africa and the Empire. Consequently, Kitchener was determined to remain the dominant British official in South Africa, not only to enhance his career as a successful general, but to ensure the right post-war settlement was achieved.

## VII

The talks between Kitchener, Milner and the Boer leaders, which took place between April and May 1902 and ended with the signing of the Treaty of Vereeniging on 31 May, completed the shift in the civil-military balance towards the military which had begun three years earlier. Whereas Milner remained wedded to the concept of 'unconditional surrender,' the British government was caught between Milner's outlook and that of the army, which favoured a negotiated settlement. Before they could maintain a balance between the civil and military in South Africa, ministers had to repair the divisions within their own ranks; the government had to consider not only what was right for South Africa, but what was right for its own political survival. During the negotiations Kitchener and Milner vied with each other to impress their views and opinions on the British government. Although Milner deplored the negotiations, he was determined to achieve two main objectives: first, to limit any concessions made to the Boer leadership in order to curtail their influence in post-war South Africa; secondly, to promote the interests of the loyalists above those of the Boers. However, Milner's support dwindled as Kitchener's (and the army's), ideas appeared more reasonable and acceptable to both Boers and British ministers. For Kitchener, his objectives were straightforward; his cause 'was neither that of the Kimberley diamond dealer nor that of the Uitlander on the Rand. He looked for a South Africa *pacificata*, a South Africa *amica*.'<sup>210</sup> His opinions were still those he had expressed at the Botha talks in 1901, that once the Boers gave up their

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<sup>209</sup> Evidently, on his way to India in 1903, Kitchener destroyed many of his private papers. Royle, p.198.

<sup>210</sup> Arthur, *Kitchener*, II, pp.105-106.

independence and laid down their arms then the main military and political objective had been achieved.

Kitchener's view had much support from generals and officers on the veldt<sup>211</sup> and at headquarters. In Pretoria, General Rawlinson echoed Kitchener's views on the need to negotiate and promise self-government after a reasonable time otherwise, 'you will *never* have what we call peace.' Just as important was the need to have friendly Boer institutions to oppose the influence and power of Johannesburg and the 'goldring.'<sup>212</sup>

Following his return to South Africa in December 1901, as Kitchener's Chief of Staff, General Hamilton apparently saw his task not only to help Kitchener, but also to help bring the Boers to the negotiating table, where they would be offered generous terms. Hamilton's views offer a particularly clear insight into the mood of army headquarters and, while his enthusiasm appeared to get the better of him at times, his correspondence reveals that 'pro-Boer' opinions were already entrenched amongst elements of the officer corps. Hamilton's letters provide the only detailed views of an officer at headquarters, complemented solely by the few remarks left by General Rawlinson. Those staff officers who published, or had published by others, autobiographical material hardly mentioned any political views pervading Kitchener's headquarters. Their aim was to emphasise consensus and provide anecdotes for the general public.<sup>213</sup> Consequently, there is a dearth of material related to the workings and opinions of the General Staff in Pretoria and, as a result, Hamilton's correspondence is important for the light it sheds on those around Kitchener. As his opinions often matched those of the officers mentioned above and, as he states below, many officers in Pretoria, it is likely Hamilton became, in his own eyes at least, an unofficial spokesman for a general viewpoint pervading the officer corps. However, Kitchener's own correspondence mentions nothing about life at headquarters and it is impossible to say if Hamilton's opinions influenced Kitchener.

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<sup>211</sup> Cook (ed.), 'Letters from South Africa,' 26 May 1901, p.181; 2 Dec 1901, p.240. Gardner, p.46; J.E.B. Seely, *Adventure* (London, 1930), pp.81-82, 89.

<sup>212</sup> Rawlinson's Diary, 27-31 Dec 1901, RD 5201/33/5. [Rawlinson's italics].

<sup>213</sup> Lord Birdwood, *Khaki and Gown. An Autobiography* (London, 1941); *In My Time. Recollections and Anecdotes* (London, 1945). Charlotte Maxwell, *Frank Maxwell. A Memoir And Some Letters* (London, 1921). In 1901-1902, he was Kitchener's favourite ADC and known as the 'Brat.'

Nevertheless, Hamilton offered an articulate and persuasive viewpoint that complemented Kitchener's own ideas.

Hamilton's beliefs fell into two main categories: the favouring of a negotiated settlement; and an intense distrust and dislike of Milner and Johannesburg. Hamilton had definite objections against the policy of 'unconditional surrender,' and here he seems to have followed Kitchener's reasoning.<sup>214</sup> In December 1901, he felt the Boers would never settle under British rule if they were forced into surrendering. If they were offered terms, Hamilton believed the Boers, as a law-abiding people, would then keep their promises embodied in a peace treaty. Having made no promises under 'unconditional surrender,' Hamilton said the Boers would consider they had every right to rise again. He based these opinions on Steyn's and De Wet's captured letters, but at the same time considered a more practical reason for showing leniency. 'I should not be at all surprised if we did not require their aid someday to steady the Johannesburgers who will be very apt to run riot.'<sup>215</sup>

After familiarising himself with the operations and personnel of headquarters, and the political situation in South Africa, Hamilton detected two differing perspectives regarding a future settlement. Hamilton told Roberts that on one side stood Milner, Johannesburg, 'and some of the loyalists of Cape Colony and Natal;' whilst on the other side stood, Kitchener, 'with nearly every soldier of any standing or experience that I have spoken to on the subject up to date.' The first group wanted to crush the Boers utterly, just as the Burmese and Punjabis were crushed; the second group felt this policy would prove too costly, especially against '... a fine, hitherto, independent white race.'<sup>216</sup>

Hamilton proclaimed his antipathy towards South African capitalists and Jews: in certain respects he mirrored General Butler, being, like him, an intellectual who aimed his considered opinion against those whom, he believed, had done much to undermine South African society. Consequently, Hamilton became suspicious of Milner's associations with

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<sup>214</sup> Kitchener believed the Boers favoured unconditional surrender 'to preserve their legal right to give trouble later.' Kitchener to Roberts, 18 Oct 1901, RP 33/f.53.

<sup>215</sup> Hamilton to Wife, 19 Dec 1901, HP 25/12/2/12. Also the letter from Frank Maxwell to his mother, 12 May 1902, in which he echoes the opinions of Hamilton and Kitchener on this point, in Charlotte Maxwell, p.101.

<sup>216</sup> Hamilton to Roberts, 27 Dec 1901, HP 24/7/10/7.



the mining industry. The power and influence of Johannesburg in a post-war South Africa was a favourite theme of Hamilton's. To him, the Johannesburgers were an impediment to the peaceful absorption of the Boers into the Empire. He believed the Johannesburgers meant 'to run the show' and would not pay any subsidy towards the cost of the war. Equally, Milner's association with the mining interest also impeded a peaceful solution. Hamilton felt the Boers would never negotiate with Milner because he was regarded as a 'Johannesburger,' whereas Kitchener was seen by the Boers as a plain military man - disliked but not hated. Hatred of Milner and Johannesburg kept the Boers in the field, not enmity for Kitchener and the army. He advised that 'when you come to make peace it should be engineered through the military, and not through the political channel.'<sup>217</sup> After all, as Hamilton explained to Winston Churchill:

I cannot tell you how strongly I feel that if we could incorporate these Boers into the Empire, we should be doing a vast deal more for the future of our race and language, than by assimilating a million Johannesburg Jews.<sup>218</sup>

Thus Hamilton embodied all the prejudices and values of the officer corps referred to earlier;<sup>219</sup> anti-capitalism, anti-semitism and admiration for the Boers. Like many officers he also had little sympathy for the loyalists, and regarded them as narrow-minded, parochial and selfish.<sup>220</sup>

How far these views influenced the opinions of British ministers is uncertain. Nevertheless, the Cabinet was receptive to such persuasion. Between April and May 1902, opinion within the Cabinet shifted towards the idea of leniency towards the Boers, as relations between ministers became even more strained by the prospect of peace. Apart from concerns over a new Education Bill, ministers were divided over Brodrick's army

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<sup>217</sup> Hamilton to Brodrick, 16 Jan 1902, HP 24/7/10/10/2. This letter was sent to Roberts first who never showed it to Brodrick. However, copies were sent to Wyndham and Winston Churchill.

<sup>218</sup> Cit. Churchill, p.116. Hamilton told Churchill in March. 'Do let us profit by our experience when we smashed the Zulus for the Boers, and not repeat the mistake by annihilating the Boers for the Jewburghers.' Cit. Pakenham, p.562.

<sup>219</sup> See above, pp.147-150.

<sup>220</sup> 'Loyalists from conviction are, in this country, few and far between.' Hamilton to Brodrick, 16 Jan 1902, see fn.217.

reforms and the need to return to more orderly and traditional finance.<sup>221</sup> These divisions even affected Chamberlain, hitherto Milner's staunchest ally, whose own adherence to 'unconditional surrender' waned. Chamberlain was prepared to assume a more flexible standpoint and was unwilling to back Milner unconditionally.<sup>222</sup> Milner was told that 'K. is of course the danger, he is offering the Government what seventeen of them want.'<sup>223</sup> The British government could not afford to lose another opportunity for peace and the generals, particularly Kitchener, offered a viable solution to the government's predicament.

Milner had been unable to prevent the talks taking place and soon discovered that the British government was prepared to back Kitchener over certain issues which Milner thought vital, such as the compensation clauses. Kitchener backed Boer demands for money to pay for farm rebuilding. Milner resisted these demands because he felt the British would eventually pay for the Boer war effort, and because he realised the gold-mining industry would probably have to foot the bill. However, Milner had no support in the Cabinet, the consensus of opinion being that the question of money should not stand in the way of a settlement, and that if the talks collapsed over this issue the public would never forgive the government.<sup>224</sup>

Unable to impose his own policy in South Africa, Milner had waited to influence the peace talks instead. But here he came up against war weariness and the British government's concern over other issues. Milner was unable to conduct the negotiations on his own, principally because the Boers despised him and the British government was uncertain about his commitment to a rapid peace. Milner hoped to eliminate the influence of the Boer leadership; hence his initial reluctance to talks, and his attempts to undermine

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<sup>221</sup> Salisbury to the King, 19 & 24 Jan 1902, CAB 41/27/1, 2; Hicks Beach to Salisbury, 26 March 1902, SP HBC/ff.284-285; Salisbury to Chamberlain, 29 March 1902, JC 11/30/225; Chamberlain to Salisbury, 1 April 1902, JC 11/30/226.

<sup>222</sup> Chamberlain to Milner, 9 & 13 April 1902, JC 13/1/219, 222. Also, Hicks Beach to Chamberlain, 13 April 1902, JC 11/18/20, supporting Chamberlain.

<sup>223</sup> Lady Violet Cecil to Milner, 17 May 1902, Headlam, II, p.342.

<sup>224</sup> Milner to Chamberlain, 21 May 1902, JC 13/1/254; Chamberlain to Milner, 22 May 1902, CAB 37/61/95; Ritchie to Chamberlain, 26 May 1902, JC 11/27/5; Brodrick to Kitchener, 24 May 1902, KP 22/Y151; Salisbury to the King, 27 & 29 May 1902, CAB 41/27/19, 20. Le May, pp.148-149; Pakenham, pp.563-564.

their political credibility by making no concessions of any practical value. However, Milner lacked the support of the British government, which, in the end, wanted the war to end more than they wanted to see Milner's vision of a British South Africa become a reality. On 31 May 1902, the Boers finally surrendered by signing the Treaty of Vereeniging.

Kitchener saw better than Milner that the immediate reconstruction of South Africa needed the support of the Boer leadership, not their hostility. For once his views were in harmony with those of the British government and the British public. Kitchener's views dovetailed neatly into sentiments prevalent in Britain. His victory speech in Johannesburg summed up both his policy and those sentiments:

judged as a whole, I maintain that they [Boers] are a virile race and an asset of considerable importance to the British Empire, for whose honour and glory I hope before long they may be fighting side by side with us.<sup>225</sup>

As for Milner, he never accepted the situation created by the settlement; for him, the South African struggle continued:

It has changed its character: it is no longer war with bullets, but war it still is...It is quite true we hold the winning cards, but it is not true that we have won the game, and we cannot afford to lose a single trick.<sup>226</sup>

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<sup>225</sup> Cassar, p.135.

<sup>226</sup> Milner to Wilkinson, 27 April 1903, SWP 9011/42/18/17.

## **CHAPTER FIVE.**

### **INVASION, REBELLION AND MARTIAL LAW: CIVIL-MILITARY RELATIONS AND THE WAR IN CAPE COLONY.1899-1902.**

Relations between the imperial authorities and the soldiers at all times centred on the conflicting demands of political responsibility and military requirements. The war in Cape Colony was no exception, constantly raising the fundamental question faced by imperial and Cape politicians and officials: where to draw the line between military and governmental responsibilities. Indeed, throughout the war in the Cape the demands of the soldiers were rarely compatible with the views of the politicians. And, as a result, the British government became involved in an increasingly acrimonious dispute between the army and the local government. This dissension arose following two Boer invasions, and after the imposition of martial law to prevent subsequent rebellions.

Four problems confronted both politicians and soldiers throughout 1899-1902. The first was for both sides to understand martial law in practice and to decide the limits of military rule and the power of military courts. Martial law had not been imposed on such a scale before and especially not on European colonists. Cape politics had already split largely on racial lines, between the British and Afrikaner populations; with a British army using martial law against Afrikaners - both actual and potential rebels - the prospect of severe martial law administration was consequently very real. The civil authorities in London and Cape Town were concerned, therefore, that the army should administer martial law without provoking rebellion and within certain guidelines. The second problem followed the first: how to deal with rebels effectively while punishing them without undue severity. Under martial law the army could inflict any penalty, from execution to penal servitude. In some cases the death penalty might be necessary, but wholesale executions, or mass lengthy imprisonments, could also provoke rebellion and cause lasting resentment. Thirdly, there was the need to resolve major disagreements between the various civil and military authorities. Unsurprisingly, the civil authorities, especially the Cape government, remained concerned about the administration of martial law and wanted their opinions heard. The army, of course, resented political interference in a difficult and sensitive process. But with the war lasting longer than anyone thought possible, and with a general rebellion the main war aim of the Boers, the strain on the British authorities inevitably

erupted into a series of disputes. Lastly, after the emergency had ended the military had to be indemnified for their actions. As martial law was considered outside the ordinary legal process the actions of the military were deemed to be illegal. By indemnifying officers, ministers showed they were satisfied with the army's administration of martial law, and that the army's actions had been justified by circumstances. Only those officers whom it was considered had acted beyond their powers were denied the protection of an indemnity act and could be tried for their actions. Essentially, the need for an indemnity act was regarded as a deterrent, to ensure army officers did not use their new powers unduly. The imperial government could pass an indemnity act, but for political reasons it was deemed essential that the self-governing colony indemnify the army. Not only would this keep within constitutional convention, it would also demonstrate political confidence in the army. The British government, therefore, was concerned that the army should not provoke a constitutional crisis by antagonising local politicians who might then refuse to pass an indemnity act. This concern persisted throughout the war and was constantly reiterated by imperial politicians and law officers.

In explaining how the civil and military authorities coped with war, rebellion, and martial law in Cape Colony, Part One of this chapter will concentrate on the period of the first invasion, October 1899 to September 1900, considering in particular how the authorities first dealt with the issues raised by the imposition of martial law. Section one explores the pre-war views on martial law; section two examines the problems arising from martial law in practice, and how the military responded to civilian complaints; and section three deals with the problems associated with the punishment of rebels within Cape Colony's sensitive political and racial climate.

Part Two will cover the second invasion, December 1900 to November 1902, when martial law was imposed throughout the Colony and created difficulties on a far larger scale than before. It will focus on the acrimonious disputes between the Cape government and the military, in which the British government became increasingly involved. The first section again deals with the problems associated with martial law administration, as the military attempted to overcome ministerial fears as martial law was extended. Section two examines the various disputes which punctuated civil-military relations in 1901, and how they became increasingly acrimonious. Section three will cover the post-war problems

associated with the culmination of martial law and the need for an indemnity act, particularly in a volatile political environment.

In trying to resolve the various disputes, particularly those in 1901, the British government frequently had only two options: where agreement was unobtainable they could either dismiss the Colonial ministry or override the military leadership. However, both options were fraught with danger: the Cape government was a constitutional administration and could not be dismissed lightly; but nor could the army be allowed unfettered activity under martial law. British ministers faced a dilemma they found impossible to resolve satisfactorily.

## PART ONE.

### I

Martial law is essentially the imposition of military rules on civilians during a period of war, rebellion or both. There has never been a written code of practice as martial law was (and is) considered an unspecific response to a specific situation. The annual Army Act allowed military law to function in peacetime, enabling the army to discipline its members outside the civil law. The Act legalised military courts; permitted them to function beside civil courts; and laid down ground rules about procedure which mirrored those of their civilian counterparts. However, the Army Act offered little guidance to soldiers when called upon to discipline civilians, except for the procedure associated with certain Courts-Martial which were often used to try rebels. This process was specifically designed for the trial of soldiers in wartime, and in campaign conditions, when it was unlikely that time would allow for proper procedures. This was known as a Field-General Court-Martial and comprised three or more officers. Passing a death sentence required the agreement of all officers, but apart from that procedure was left open to fit the unforeseen circumstances of a campaign.<sup>1</sup> Yet, while the Army Act provided for the trial of civilians under martial law, it gave no guidance on how to operate martial law itself.

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<sup>1</sup> *Manual of Military Law* (War Office, London, 1899), Chapter 5, p.49. Also in the reprint of the Army Act, *Ibid.*, pp.382-383.

The confusion surrounding the interpretation of martial law and the powers allowed under its provisions had been starkly illustrated thirty years earlier during the Jamaica rebellion of 1865. In Jamaica, Governor Eyre had put down a rebellion utilising martial law, but had appeared to abuse his authority by arresting one of his critics, a man named Gordon, and then taking him to the district under martial law for trial by a Court-Martial. Once there, Gordon was found guilty of rebellion and executed.

The rebellion was crushed by the British and Eyre was criticised in Britain over his handling of the whole issue. So great was the attack that Eyre and the officers comprising Gordon's Court-Martial, Nelson and Brand, were put on trial to answer for their conduct. An extensive legal debate followed because the prosecution attempted to establish that martial law was 'no law at all.'<sup>2</sup> and that the use of arbitrary powers by the military was not justified. Owing to the confusion over the definition of martial law, the jury was unable to reach a verdict and requested something be done to clarify martial law procedure. Consequently, the Colonial Secretary, Lord Carnarvon, issued a set of rules for colonial governors in case such a situation arose again.

The proposed rules covered various aspects of martial law administration. Rules 1 and 2 stated that the Governor was responsible for proclaiming and ending martial law; when issuing a proclamation the Governor had to be satisfied that the suppression of rebellion could only be achieved by subjecting the rebellious district to a period of direct military control. Rules 13 and 14 dealt with the punishment of offenders. A Provost Marshal was to be appointed and could only punish offenders he, or his assistants, had actually seen perpetrating an offence. Otherwise offenders had to be sent for trial by a Court-Martial, under the local commanding officer (or an officer deputed by him) and at least two other officers. Rule 19 insisted that sentences could not last beyond the period of martial law, and no sentence of penal servitude could be awarded. Carnarvon stressed that:

as these Regulations have in no respect the force of law, so it is not intended that officers should be under rigorous obligation to observe them in all cases, and under all circumstances. The intention is that Officers may derive from them some guidance more or less determinate, though not absolute; and that they may operate, on the one hand, as some relief from responsibility to those by whom they may be observed, and, on the other

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<sup>2</sup> Townshend, 'Martial Law: Legal and Administrative Problems...' p.172.

hand, as some *primâ facie* increase in responsibility to those by whom they may be dispensed with.<sup>3</sup>

Carnarvon's statement acknowledged the fact that neither he, nor anyone else, could legislate for unforeseen emergencies, and that military officers had to have some leeway in dealing with the complications of a future rebellion.

After the Jamaica case and before the war in 1899, martial law was discussed by several constitutional experts. Most agreed that the imposition of martial law had some validity within the constitution, as it was considered lawful for the Crown to meet force with force.<sup>4</sup> However, this statement was qualified by certain conditions. Whilst admitting that an officer assumed 'absolute power' when exercising martial law, these commentators were quick to explain that the military's right to punish rebels was severely limited. They maintained that while civil courts were still functioning, they should be responsible for the punishment of rebels. The military therefore had the right to use necessary force to put down a rebellion but prisoners captured during and after were to be released into the custody of the civil authorities. It was acknowledged that at times it would be impossible to use civil courts; therefore, military courts or Courts-Martial would be utilised for this purpose.<sup>5</sup>

Although they were referred to as courts, tribunals established to try rebels were not considered to be courts by the legal experts. This was because the idea of civilians being tried by soldiers was anathema and deemed to be a direct threat to the independence of the judicial system, and to civil rights generally. The civil contempt for martial law courts arose from the fact that under martial law these courts were not obliged to follow procedure laid down by the Army Act, especially when operating in the field. Thus, any

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<sup>3</sup> 26 Jan 1867, WO 32/8173.

<sup>4</sup> C.M. Clode, *The Administration of Justice under Military and Martial Law* (London, 1872), p.158; A.V. Dicey, *Law of the Constitution* (London, 1885), p.288; J.F. Stephen, *A History of the Criminal Law of England*, (London, 1883), I, p.208. An anonymous writer in the *Edinburgh Review*, 195, (1902), disagreed. He said martial law was unknown to the law of England even in this form.

<sup>5</sup> The terms *military courts* and *Courts-Martial* were interchangeable. The latter was the name used for those courts established by the Army Act to try soldiers, but it was convenient to use this term to describe courts established under martial law, as they also comprised army officers.



punishments inflicted by military courts were deemed unlawful; and if the death penalty was carried out, it was, according to Dicey, technically murder.<sup>6</sup>

There were ways for officers administering this form of summary justice to protect themselves. Military courts themselves should be composed of:

Men (civil or military) whose experience and character afford to the Criminal the best security for the exercise of a sound judgment and discretion in the most solemn function of Judicial Administration which they as Judges are thus unexpectedly called upon to discharge.<sup>7</sup>

In discharging their duty officers had to show good faith and to ensure a fair trial, even if strict legal procedures were not followed.<sup>8</sup> Only when the military could show that their decisions were *bonâ fide*, that they had not acted with undue ruthlessness, would their actions be indemnified. Even so, those who had exceeded their power would not be covered by its stipulations.<sup>9</sup> The threat of legal action was considered sufficient to deter officers from exercising too much arbitrary power; the fate of Governor Eyre, and the military officers Nelson and Brand, were highlighted as examples of what could happen to those officers who were too ruthless.<sup>10</sup>

Such then were the main contentions of constitutional lawyers who had considered the nature of martial law, from which two main points can be deduced. First, that rebels should be tried by civil courts if they continued to function during a rebellion. Secondly, that if military courts had to be used, procedure should be regular, without showing undue severity; this would ensure officers were indemnified for their actions under martial law. No commentator, however, explained procedure well enough to obtain an overall consensus of opinion, and gaps in interpretation still remained. The legal experts failed to realise, for example, that decisions taken in military courts would reflect the seriousness of the situation, as perceived at the time. Moreover, if the threat of legal action was

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<sup>6</sup> Dicey, p.293; Stephen, p.215; Clode, p.167.

<sup>7</sup> Clode, p.166.

<sup>8</sup> Clode, p.167; W.F. Finlason, *Martial Law* (London, 1872), pp.29-30.

<sup>9</sup> Anon., *Edinburgh Review*, p.90; Stephen, p.215.

<sup>10</sup> Clode, pp.167-169; Finlason, p.19; Cosgrove explains Dicey's view, that he believed the army would be restrained by this consideration. Cosgrove also mentions that F.W.Maitland took the opposite view, arguing that the military would not be deterred during a crisis when hard decisions had to be made, p.124.

emphasised beforehand, military officers might be reluctant to administer martial law effectively. These then were the fears and problems facing both the civil and military authorities; one side was fearful of military excesses, the other concerned about exercising the correct amount of power. However, these were only opinions and did not carry any real legal weight as such. They were there to guide the authorities; and it was they who were left to discover how beneficial such opinions would be in the face of actual rebellion.

## II

This section discusses the problems associated with the administration of martial law between October 1899 and June 1900. The various authorities, imperial, local and military, discovered how little was known about the operation of martial law and that the guidance offered often proved worthless. In a rebellious district, for example, martial law gave the military the power and latitude to formulate regulations and to arrest on suspicion, which caused enormous resentment amongst the local Afrikaner population and dissension between the Cape government and the army. Consequently, this period was characterised by the army's attempts to clarify and define martial law administration, in order to gain the confidence of the Colonial authorities.

The situation in Cape Colony always worried the British. In 1899, the white population numbered some 370,000. According to the 1891 census, whites of British origin totalled about 130,000; those of Dutch descent numbered some 230,000.<sup>11</sup> Milner was intensely suspicious of the Afrikaners, and feared a Boer invasion might provoke a rebellion. The overt sympathy of the Afrikaners for their brethren in the republics was a widely acknowledged phenomenon, and one which had contributed significantly to ending the war against the Transvaal in 1881.<sup>12</sup> The prospect of disturbances or rebellion by the Afrikaner population had concerned the Colonial authorities prior to the outbreak of war. In Natal, this problem was considered earlier than in Cape Colony, especially as war seemed likely and Natal was expected to become the main battlefield. In early September,

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<sup>11</sup> *Colonial Office List*, 1899, p.95; Statistical Register 1899. CO 53/137.

<sup>12</sup> Schreuder, pp.147, 164; Robinson and Gallagher, pp.64, 72.

Hely-Hutchinson, expressed fears that spies or Boer sympathizers, might commit acts of sabotage or undermine the loyalty of natives.<sup>13</sup> Later, he told the Colonial Office that he was about to issue a proclamation warning potential rebels about the consequences of treason; which could mean either the death penalty, or forfeiture of property.<sup>14</sup> At the same time, Hely-Hutchinson despatched a copy of the Attorney-General's views on martial law.

In his memorandum, Bale, the Attorney-General, stated first and foremost that martial law was not recognised by Roman Dutch law, just as it was not recognised by English law.<sup>15</sup> He then gave a brief summary of what he understood martial law to mean from a number of previous cases. From these several points were isolated. First, the military exercised martial law without the help of civil courts; and, therefore, martial law courts were illegal and had to be legalised by an indemnity act; secondly, sentences imposed under martial law could not continue after martial law had ended. Bale stated that officers who had put down the Langalibalele revolt in 1873 were indemnified for all acts done in suppressing the rebellion.<sup>16</sup> Thus Bale emphasised, like earlier commentators such as Dicey and Clode, that the military should show restraint when administering martial law.

On 15 October, four days after the Boer invasion, Hely-Hutchinson proclaimed martial law in the districts north of the Tugela river. He did so after consulting General White, the GOC(Natal), who had asserted that martial law was vital to deal with spies, many of whom operated in Ladysmith and the northern districts.<sup>17</sup> Hely-Hutchinson also

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<sup>13</sup> Hely-Hutchinson to Chamberlain, 6 Sept 1899, CO 179/206/f.227.

<sup>14</sup> Hely-Hutchinson to Chamberlain, 28 Sept 1899, *Ibid.*, f.376; for Proc. No.1, 29 Sept 1899 *Ibid.*, ff.447-448.

<sup>15</sup> Roman Dutch law was the main law of both the South African colonies. In Cape Colony the British introduced trial by jury in 1827, but overall Roman Dutch law was left intact. Monica Wilson & L. Thompson, *The Oxford History of South Africa*, (Oxford, 1969), I, p.302. As Natal had once been a district of Cape Colony, Roman Dutch law was used for the administration of justice and kept after Natal became a separate colony. *Colonial Office List*, pp.96, 190.

<sup>16</sup> Hely-Hutchinson to Chamberlain, 29 Sept 1899, CO 179/206/f.436; enclosing Memo. by Bale, 25 Aug 1899, *Ibid.*, ff.437-446.

<sup>17</sup> White to Hely-Hutchinson, No.16, 14 Oct 1899; Hely-Hutchinson to White, 14 Oct 1899; White to Hely-Hutchinson, No.19, 14 Oct 1899, (tels.), *Ibid.*, ff.702-705; Hely-Hutchinson to Chamberlain, 15 Oct 1899, *Ibid.*, f.691. The need to deal with spies was the reason forwarded to Chamberlain.

urged White to order his officers to be circumspect when administering martial law, and not to hang or shoot spies without reference to a higher authority.<sup>18</sup> Although Hely-Hutchinson never actually mentioned consulting the Natal government, it is unlikely he acted without their concurrence. Hely-Hutchinson did consult Bale who confirmed that a proclamation of martial law would entitle White to arrest those suspected of spying.<sup>19</sup>

In Cape Colony, Milner proclaimed martial law the day after Hely-Hutchinson, and did so with the concurrence of ministers. Milner was extremely anxious about the relatively defenceless state of the Colony, especially with so few troops available.<sup>20</sup> At first, the Boers did not launch a direct invasion as their strategy was confined to the investment of Mafeking and Kimberley. Consequently, Milner's proclamation was confined to the areas around the two besieged towns. He informed the Colonial Office that this was 'a step absolutely necessary for the defence of Kimberley, having regard to the number of spies and disloyal persons in and near it.'<sup>21</sup> Milner's proclamation explained that martial law was in force because:

it is...expedient in certain districts of this Colony that measures should be taken for the more speedy trial and punishment of all persons giving information, succour, countenance or support to the said enemy.<sup>22</sup>

By issuing proclamations both Milner and Hely-Hutchinson had followed the practice said by the experts to be the correct procedure.<sup>23</sup> Thus a public announcement was made, after which the Civil Commissioner/Resident Magistrate (both offices were usually held by the same man), ensured it reached local inhabitants by placing and distributing bills or posters at prominent places within the district or town. Both Governors, therefore, informed the population that owing to special circumstances the rule of law had passed from the civil authorities to the military. Thus occurred the traditional response to invasion

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<sup>18</sup> Hely-Hutchinson to White, (tel.), 16 Oct 1899, *Ibid.*, ff.707-708. White readily complied, Natal Field Force Orders, 18 Oct 1899. No spy could be executed without reference to White first, *Ibid.*, f.709.

<sup>19</sup> Hely-Hutchinson to White, (tel.), 14 Oct 1899, *Ibid.*, f.704.

<sup>20</sup> Milner to Chamberlain, 8 Oct 1899, CO 417/267/f.763; 11 Oct 1899, *Ibid.*, f.951.

<sup>21</sup> Milner to Chamberlain, (tel.), 16 Oct 1899, CO 417/268/f.119.

<sup>22</sup> Proc., No.279, 16 Oct 1899, CO 48/542/f.919. The proclaimed districts were: Mafeking, Vryburg, Taungs, Barkly West, Kimberley and Herbert.

<sup>23</sup> Clode, p.165; Stephen, p.214.

and rebellion (real or potential); what followed, however, revealed all too clearly that although the initial response was traditional, what to do after the proclamation remained a mystery.

This aspect was noticed at the Colonial Office once they received a copy of Milner's proclamation. The minutes revealed that officials understood little of the practicalities of martial law administration. Yet they perceived that certain questions had not been considered by the proclamation. Chamberlain, for example, asked whether military courts could award death sentences; this was an aspect of military power so fraught with political repercussions that it is surprising this question was not considered earlier. In response, H.B. Cox, the Legal Under-Secretary, drafted a memorandum to explain the Colonial Office view on the subject.<sup>24</sup>

Cox began by stating that martial law 'entails the suspension, during the period of its existence, & within the districts within which it is proclaimed of the operation of the ordinary law of the land.' According to Cox, the executive was informing the public that this was necessary in order to protect the community, and was done in the expectation of an indemnity act being passed afterwards, relieving those who had administered martial law 'from the consequences of having acted unlawfully.' Cox's memorandum was in fact based on Carnarvon's regulations passed in 1867, and expressed the legal judgements therein. Cox thus brought these regulations to the notice of the Colonial Office, referring especially to Articles 13 and 14 in order to answer Chamberlain's question.<sup>25</sup>

In his regulation No.1, Cox referred to the GOC receiving written instructions from the Governor, a procedure enumerated in Article 5 of the 1867 regulations. It appears General Forestier-Walker was not given any special instructions, while Milner was unfamiliar with the requirements set out by Carnarvon's rules. In fact on 24 October, Milner asked the Colonial Office whether the 1867 regulations were still in force because the military authorities were ignorant of martial law. Probably the answer to this question

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<sup>24</sup> 19 Oct 1899, CO 417/268/ff.117-118.

<sup>25</sup> Cox seemed to have simplified his interpretation of Article 13: he wrote that an officer commanding could appoint a Provost Marshal to punish those caught committing a crime. Article 13 is more explicit: a Provost Marshal should have written orders 'limiting him to the punishment of such offenders... as he or his assistants may actually see committing any crime...'

was required for his own information as much as for that of the army.<sup>26</sup> Consequently, the Colonial Office wanted Lansdowne's opinion on the matter. Colonial Office officials must have been aware that as part of the general regulations they would still be in force, even though they did not appear in the published *Colonial Office Lists*; possibly, they wanted to make sure the War Office had not, in the meantime, supplemented them with rules of their own. Eventually, the War Office notified the Colonial Office that Lord Lansdowne still considered them the principal guide for proceedings under martial law.<sup>27</sup>

Even with guidance at hand, the Cape government became increasingly concerned, especially after the OFS invaded the midland districts of the Colony on 1 November. As the Boers advanced south and east, they ignited the rebellion Milner so feared, as Afrikaners joined the commandos in ever increasing numbers. Consequently, martial law was extended to cover the various districts in and around the invasion zone.<sup>28</sup> The rapid extension of martial law caused much concern in the Cape government. Schreiner, the Prime Minister, made it clear that the 'free parliamentary institutions and Constitutional Government of the Colony will not be suspended,' and that martial law would be imposed only in those areas invaded by the Boers.<sup>29</sup> Ministers' views were based on a deep and profound suspicion of the military assuming punitive powers. Not only was this due to fears about the army being left free to threaten parliamentary government, but also to a more parochial fear of the army treating locals too harshly. In the unusual circumstances of Cape Colony, with its Afrikaner majority, the Cape government feared that a heavy-handed stance taken by the military, with its limited knowledge of South Africa, would provoke an even greater outbreak of rebellion. The actions of the military would now set the standard not only for the way martial law was administered, but judged also. In Cape Colony these factors were inextricably linked: the army would not just be subduing a

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<sup>26</sup> Milner to Chamberlain, 24 Oct 1899, WO 32/8173.

<sup>27</sup> WO to CO, 31 Oct 1899, *Ibid.*

<sup>28</sup> Proclaimed districts: De Aar, 3 Nov; Colesberg, Molteno, Aliwal North, Wodehouse, Queenstown, Cathcart, 15 Nov; Hay, 16 Nov. Amery (ed.), *Times History*, VI, p.547.

<sup>29</sup> Schreiner to Milner, 6 Nov 1899, CO 48/543/f.245. Milner felt that if the invasion was pushed martial law might have to be proclaimed generally. He expected ministers to resist this, and hinted they might have to be dismissed. The Colonial Office hoped Schreiner would resign if a clash over martial law arose. Milner to Chamberlain, 15 Nov 1899, *Ibid.*, f.405; CO Minutes, 15-16 Nov 1899, *Ibid.*, f.404.

domestic disturbance; it would be crushing a rebellion and imposing its will on 'foreigners' as well, with whom it had little or no sympathy.

The military, despite appearances, were uncertain about their position under martial law. Before General Buller arrived to assume overall command, British forces had been insufficient to resist the Boer invasion and had retreated from those districts under Boer occupation, and which were proclaimed to be under martial law. For example, on 23 October, the Civil Commissioner of Barkly West urged Schreiner to have troops sent to his district as their absence was likely to inflame the rebellion further.<sup>30</sup> However, when Buller arrived in Cape Town on 31 October, he showed no interest in martial law, believing it had no particular value, except that it allowed the military to arrest rebels 'without fear of the *habeas corpus*.'<sup>31</sup> Nevertheless, Buller had to confront the difficulties raised by the proclamations and the lack of guidance offered to his troops. Just before he left for Natal, he therefore issued a circular to magistrates whose districts were under martial law, in an attempt to define their role under the authority of an army officer.<sup>32</sup>

The circular explained the object of the proclamation, which was 'to enable all steps necessary for the defence of the District to which it applies...to be taken with the greatest promptitude, and without the restrictions of ordinary civil process.' Offenders could be arrested without warrant, by the military or civil authorities, and merely on suspicion of being a spy or giving aid to the enemy. Once detained they would await trial in a 'Special Court' by the military authorities. Emphasis was placed on the role of the senior military officer whose orders were 'binding upon all persons within that locality, and must be implicitly obeyed...' Certain restrictions were placed on the military: they could not conscript for military service, or commandeer goods, which had to be paid for promptly. Buller also stressed that the civil courts should, if possible, carry on as normal, although 'subject to any directions which may be given them by the Military Authorities in the paramount interest of the defence of the country.'

Buller's circular attempted to clarify the relationship between the military and civil authorities during the administration of martial law, and to make it as uncontentious as

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<sup>30</sup> Civil Commissioner to Schreiner, 23 Oct 1899, CO 48/543/f.160.

<sup>31</sup> Buller to Milner, 2 Nov 1899, MP IV/C/229/f.214.

<sup>32</sup> c.25 Nov 1899, CO 48/545/ff.80-81.

possible, considering the low value he placed on its efficacy. However, Buller did not offer any real direction about proceeding against offenders. But then again he could not legislate for the unforeseen. As the rebellion and therefore martial law was considered to be a temporary phenomenon, Buller possibly thought that placing the military in control of a district would cause few problems.

The Cape government, however, thought otherwise, and questioned the technical details of martial law. Complaints were already being made about the army's use of martial law, and from their nature some idea of its operation can be obtained. Apparently, complaints were forwarded through the magistrates or sent directly to members of the legislature.<sup>33</sup> The first major protest was made by T.P. Theron, President of the Afrikaner Bond, who reported an incident which highlighted the irregular nature of martial law administration. Evidently, a civil officer and 60 soldiers had ridden into Britstown, which had not been proclaimed (although the civil officer said the proclamation at De Aar covered a radius of 200 miles), and acted as though martial law was in force. Theron protested about the imposition of a curfew; the need for passes to enter or leave; the searching of property; and the disarming of farmers. He pointed out that when the patrol left, martial law went with them, a clear indication of the problem facing the army of not having enough troops to enforce martial law, or administer it on a uniform basis. Theron also mentioned one aspect which would recur throughout the war: the power of the military authorities to arrest on suspicion. He noted that several people were arrested in Britstown on suspicion and then taken to De Aar. Most were detained for days or weeks and released without charge; some were detained longer. This sort of activity was one reason why so few were actually tried by military courts during the first invasion.<sup>34</sup>

Under martial law, the local commandant could introduce regulations immediately and do anything considered necessary. As most regular officers were serving at the front there was a shortage of good soldiers and, consequently, Colonial volunteers were relied on to oversee the operation of martial law. This of course might add to the bitterness already felt by the locals, especially if the commandant showed bias or personal prejudice. For instance, Colonel Crewe of Brabant's Horse, who later commanded at Aliwal after

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<sup>33</sup> Le May, p.49; P. Lewson (ed.), *Selections from the Correspondence of John X. Merriman 1899-1905* (Cape Town, 1966), fn.322, p.122.

<sup>34</sup> Theron to Schreiner, 23 Nov 1899, CO 48/545/ff.87-93.



it was recaptured from the Boers and rebels, had earlier lost an election there and was also president of the loyalist South African League.<sup>35</sup> Moreover, the British began offering rewards to Blacks and Coloureds for information about Afrikaners hiding their weapons. This system was open to abuse as disgruntled servants could easily produce a gun and blame their employers. Blacks and Coloureds were not liable to have their weapons confiscated, as Afrikaners were.<sup>36</sup>

Consequently two reports, written by the Cape Attorney-General, Sir Richard Solomon, and which contained Theron's letter, were sent to Milner.<sup>37</sup> The first was in response to Solomon's own fears about the legality of martial law proceedings; the second was in response to Buller's circular.

Solomon was alarmed by the prospect of civilians being tried by military courts. He could not stomach the thought of civilians being tried for offences that had no basis in civil law. In fact Solomon urged that offenders should only be arrested after they had broken the law of the land, and not for contravening martial law regulations.<sup>38</sup> Two days later, on 27 November, Solomon emphasised his objections even further by complaining about certain passages of Buller's circular. Again he was worried by the prospect of civilians being tried in military courts. Solomon did acknowledge that in certain circumstances the speedy trial of offenders by a special court might be necessary. But, reverting to an ancient tradition, he stated that when the civil courts were open offenders should be passed over to them forthwith. 'The fact that the sentence of Courts-Martial established on the grounds of paramount necessity are illegal, is an additional reason for my earnest desire to have all persons, where possible, tried by legally established courts.'<sup>39</sup>

Such was the distrust of the army that when, on 9 December, Milner forwarded a request from Colonel Wynne, the Chief-of-Staff in Cape Town, for an extension of

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<sup>35</sup> P. Lewson, *John X. Merriman. Paradoxical South African Statesman* (London, 1982), p.221.

<sup>36</sup> Nasson, *Esau's War*, p.152; *Black Society in the Cape Colony and the South African War of 1899-1902: A Social History* (unpub. Ph.D thesis, Cambridge, 1983), pp.47-48.

<sup>37</sup> Ministers to Milner, 28 Nov 1899, CO 48/545/ff.82-83.

<sup>38</sup> Memo. by Solomon, 25 Nov 1899, *Ibid.*, ff.84-85.

<sup>39</sup> *Ibid.*, 27 Nov 1899, *Ibid.*, f.86.

martial law, 'for the greater security of the troops and the lines of communication,'<sup>40</sup> ministers, while not refusing the request, made their objections clear. They wanted the military warned that their actions required legalisation by an Act of Indemnity and that those who committed misdemeanours might find themselves without this cover. They argued that in certain districts martial law had done nothing but irritate and upset locals.<sup>41</sup>

Milner noted their objections and declined to extend martial law. This was despite the requests of other military officers at the front. General French, operating from Middelburg and Cradock, wanted it extended; as did the Officer Commanding at East London, who was concerned about communications with the force under General Gatacre. Milner sympathised with the army especially as Forestier-Walker had endorsed his officers' requests. Milner told Schreiner's government that:

Martial Law itself will not disturb anything, but it is required in order to strengthen the hands of Her Majesty's Forces in the protection of Districts already disturbed by the presence or near approach of the enemy.

He added that military injudiciousness was just as likely to happen in districts not under martial law as a consequence of the rigours of campaigning.<sup>42</sup> This was obviously a warning to the government that Milner's patience was wearing thin and that they could not expect him to be so accommodating in future.

However, the imperial military authorities had already considered the question of introducing some form of guidance for martial law administrators. On 7 December, Colonel Wynne issued orders setting out offences, procedure and punishment designed to harmonise relations between civilians and the military. Wynne's efforts were a bold attempt to provide an up-to-date, pragmatic guide, based, it seems, on the circular of 1867, leading to a consistent form of martial law administration throughout the Colony. Wynne's orders reiterated Buller's earlier remarks regarding the object of martial law and listed offences that were 'likely' to be encountered. These were:

(a) Treasonable or seditious acts and words, or acts and words tending to excite dissatisfaction, disloyalty, or distrust of the Government.

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<sup>40</sup> Milner to Ministers, 9 Dec 1899, *Ibid.*, f.95.

<sup>41</sup> Ministers to Milner 11 Dec 1899, *Ibid.*, ff.97-100.

<sup>42</sup> Milner to Ministers, 29 Dec 1899, *Ibid.*, ff.102-106.

- (b) Enlisting or engaging in the military forces of the enemy.
- (c) Aiding or abetting the enemy.
- (d) Carrying on trade with or supplying goods to the enemy. Destroying Railways, Bridges, or Telegraphs, and acts endangering the safety of H.M.Forces, also the contravention of rules and regulations made by the military authorities under the Proclamation.
- (e) Being suspected of any of the above offences.<sup>43</sup>

Wynne also explained the procedure necessary once a suspect had been arrested. First, there had to be a preliminary investigation by either a military officer or a local magistrate. This was meant to ascertain whether there was any case to be answered in court. Wynne stipulated that the local courts should continue to try ordinary cases, and, interestingly, minor breaches of martial law regulations. This went against the opinion in Bale's memorandum of August 1899, and showed how practical difficulties would outweigh theoretical objections against the civil authorities being associated with martial law administration. Serious breaches of the regulations, however, were to be dealt with by military courts, comprising at least three members, including a civil magistrate if available: this was not mandatory. Once a court had been constituted the procedure followed was to be that of a Field-General Court-Martial under the Army Act. Wynne added that all evidence and defence should be written in full and that records were to be preserved and forwarded to the Deputy Judge Advocate General in Cape Town. Furthermore, offenders had to be tried in a martial law area and sentences served in the martial law district where the sentence was awarded.

The instructions were explicit in their procedural context and differed little from those in the 1867 regulations. They reflected the views forwarded by commentators, such as Clode and Dicey, who were concerned about limiting the effects of military courts trying civilians. In this respect the instructions were not controversial and were designed to alleviate civilian fears. Yet they emphasised the complete lack of understanding of martial law by the military, and did nothing to help the man on the spot - the officer administering martial law. The part dealing with offences left open a serious problem regarding interpretation. For instance part (a) did not make clear exactly what constituted treasonable or seditious acts or words; in a district threatened by Boer invasion and therefore a possible Afrikaner uprising, treasonable or seditious words or acts would have

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<sup>43</sup> 7 Dec 1899, WO 32/7871.

a different connotation than in a district not directly threatened. Differences of interpretation, leading to inconsistency in martial law administration, were the outcome of this lack of understanding.

Unsurprisingly, therefore, complaints about the administration of martial law continued to be sent to the Cape government. Most complaints invariably found their way to Milner, who eventually produced a substantial note of his own regarding martial law administration.

The complaints that arose stressed how problematical martial law administration was. The Cape authorities wanted to preserve some degree of control because to them unbridled martial law meant military rule and the loss of their own position and responsibility. This battle placed Milner in the middle and did nothing to enhance his opinion of either the military or the Cape authorities. In December, Milner informed the Colonial Office about what he considered the frustrating aspect of martial law - that at any time, and without realising, the military might contravene the law even though necessity demanded it. Moreover the battle for supremacy between the civil and military courts was at its height. Milner referred to the case of an individual named Michau, who was a Kimberley attorney and had been arrested at the Modder river on suspicion of having helped the enemy, possibly during the earlier battle. Evidently, the Chief Justice wanted the man brought before a civil court, and Milner believed that the Chief Justice expected this to be done all the time, 'a view which insisted upon, would, as it seems to me, reduce Martial Law to a nullity.'<sup>44</sup>

Milner developed this point after a heated discussion with Schreiner over military administration of martial law. Milner acknowledged this was a cause for anxiety but could imagine no other way of dealing with the rebellion. When many of the inhabitants of the Cape were aiding and abetting the enemy, the army had to have exceptional powers. The power to arrest and detain on suspicion '...is of the greatest value in checking insurrection.' Most of the Boer sympathizers had been known beforehand but could not be arrested under the ordinary law. Under martial law, however, this situation was redeemable, although it had been imposed too late to save Colesberg, Albert, and Aliwal North from rebellion. Milner was determined Middelburg and Cradock districts would not

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<sup>44</sup> Milner's Diary of Events, 27 Dec 1899, CO 417/285/f.79-80.

suffer the same fate, and that potential troublemakers would be arrested before they could incite rebellion.<sup>45</sup> Milner's remarks illustrated the dilemma facing the civil authorities. Where the potential for insurrection existed martial law was, apparently, an excellent weapon to stifle it. Yet the administration of martial law relied on the military, and they were virtually uncontrollable whilst it was in operation. The other horn of the dilemma, therefore, was how much control could the civil authorities exercise whilst the army administered martial law. The only way the civil authorities - ultimately in the person of Milner - could try and retain some influence over the military, was to keep complaining about the army's actions and plead for some form of consistency. Consequently, the Colonial Office asked Lord Lansdowne to impress upon the army that 'discretion' was required whilst administering martial law. On 19 March, the War Office replied that Lord Roberts had taken steps to instill in his officers the need to apply discretion.<sup>46</sup>

Such was the criticism of the military that Milner was obliged to write to Roberts himself. Milner explained that he wanted to extend martial law to those areas under threat from invasion and possible rebellion. 'But I hesitate to extend it, while there is so much evident ignorance on the part of military officers of the real nature of Martial Law, and such lack of uniformity in the administration of it.' Milner was annoyed particularly with stories of people being arrested merely for expressing sympathy for the Boer cause, the result of which tended to increase that sympathy. Milner added that he did not wish to limit martial law but 'the arbitrary power of the military should be exercised in accordance with some clearly defined principle' which utilised the local magistrates' knowledge of their areas. For Milner, the basic starting point for his 'clearly defined principle' was Wynne's Army Orders of 7 December, although he argued these had not been 'universally observed.' He referred especially to the part about a preliminary enquiry into a defendant's case, which he said, was the greatest grievance against the military administration. If the army had adhered to this 'principle' then offenders could not claim an unfair trial, and their sentences would not then be remitted by an ordinary court, even after martial law had ceased. Milner did add that this procedure was slow and should not be treated as a hard and fast rule. Everyone under suspicion should be kept on remand

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<sup>45</sup> *Ibid.*, 30 Dec 1899, *Ibid.*, ff.82-83.

<sup>46</sup> *Ibid.*, 9 January 1900, CO 48/545/ff.144-149; CO to WO, 27 Feb 1900, *Ibid.*, f.138; WO to CO, 19 March 1900, CO 417/306/f.469.

until further evidence could be accumulated: those not guilty could then be released immediately. Everything would be satisfactory once every case had been examined and headquarters and the Governor informed about proceedings. Milner also reminded Roberts that under Colonial Office regulations the Governor ought to receive full reports relating to martial law on a regular basis. Until this was done, until martial law was 'more systematised', and until Milner could rely upon the military to 'understand the nature of the powers they are called upon to exercise', he was reluctant to extend its operation.<sup>47</sup>

Milner was desperately trying to steer a middle course between civilian susceptibilities and military necessity. Having recognized on the one hand that the military needed a certain degree of freedom to make martial law work, he had to make them aware of the political problems they were creating in Cape Colony. Milner's weakness, however, was that he was perhaps more afraid of rebellion than anyone else, and over-emphasised the rebellious attitude of Afrikaners. This can be seen in his remarks about giving a suspect a fair trial, where he qualified his strictures by saying not to make it a hard and fast rule. In effect not only was he contradicting himself, he was undermining the very essence of his criticism of military administration. Milner was always prepared to forget politics when he felt his interests were threatened, especially by ungrateful Afrikaners.

As far as Milner was concerned, the military courts were 'for the time being' absolute. 'They lay down such rules as they see fit, and inflict such punishments as they may prescribe for their intervention'. But, Milner was apprehensive about acknowledging this principle without any qualification. He thought that a civil magistrate or judge should always be on a Court-Martial. Milner felt this would allay civilian fears as the magistrate would possess knowledge of the 'language, the habits, and the idiosyncracies of the people...' However, what Milner did not say was that there was no guarantee the presence of a civilian magistrate would have any noticeable effect upon the procedure of a Court-Martial. Even while expressing his fears Milner had grudgingly to admit the efficacy of a system deemed necessary for the defeat of rebellion and insurrection. Trying to allay the Colonial Office's misgivings, he stated that everything would be done:

to confine the inevitable exercise of arbitrary power within the narrowest limits compatible with the public safety, and to ensure that it shall be

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<sup>47</sup> Milner to Roberts, 12 Jan 1900, CO 48/545/ff.258-265.

wielded as much in accordance with the principle and even the forms of ordinary law as circumstances permit.<sup>48</sup>

For their part, the army high command, while anxious to be co-operative, wanted, nevertheless, to maintain a degree of independence whilst administering martial law. Roberts discussed the matter with Milner and, apparently, objected to Milner's view regarding courts of a mixed composition. Roberts agreed that civil courts should deal with civil matters, but other cases, that is those where the safety of the army was at stake, should be tried in a military court, which in terms of composition followed the procedure set out under military law. Later, Milner told Chamberlain that after discussing the matter with Roberts, he was inclined to agree with the Field-Marshal, and had consequently withdrawn the paragraph relating to mixed courts from his despatch of 3 January.<sup>49</sup>

Milner did not say why he changed his mind, considering he had a valid point as a civilian concerned at the use made by the military of arbitrary powers. Roberts, unfortunately, gives us no clues as to his opinion; it may be assumed that the military were suspicious of civilian interference, and particularly suspicious of the partiality of Colonial legal officials or procedures. In a recent case, for example, many rebels had been very lightly dealt with, so it was important that convictions be successful.<sup>50</sup>

Nevertheless, the military did try to allay civilian wariness and again issued guiding instructions.<sup>51</sup> This time they were issued under Kitchener's auspices, and were a response to the continuing complaints emanating from the civil authorities: they may have been intended also to divert civilian interest in the proceedings of military courts. Kitchener in fact issued two sets of instructions: the first, while very similar to the orders issued by Wynne in December, emphasised the distinction between civil and military courts, making it plain which court dealt with certain offences. Thus was enshrined the

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<sup>48</sup> Milner to Chamberlain, 3 Jan 1900, CO 417/285/ff.52-62.

<sup>49</sup> Milner to Chamberlain, 22 Jan 1900, CO 417/285/f.398. In practice, no civilians ever sat on a military court. *Papers relating to the Administration of Martial Law in South Africa*, PP(1902), LVII, Cd.981, p.20. (Hereafter Cd.981).

<sup>50</sup> On 1 January 1900, Colonel Pilcher captured about 40 rebels at Sunnyside. For some reason they were handed over to the civil authorities for trial; although local jury found them guilty, the Acting Chief Justice of Cape Town only awarded light sentences, ranging from six months to five years. Milner to Chamberlain, 13 June 1900, WO 32/8179; Amery (ed.), *Times History*, VI, p.550.

<sup>51</sup> Memo. by Kitchener, 30 Jan 1900, WO 32/8176.

determination of the military to maintain their own authority in dealing with rebels who attacked the army directly or indirectly. Kitchener insisted his officers follow regular procedures in dealing with suspects, especially when they had been brought before a military court, so that the case could be dealt with promptly. As for punishments, Kitchener stated that in addition to those authorised by the Army Act, military courts could impose a fine or sell off the offender's moveable property. Furthermore, Kitchener stated that a person deported from a martial law area should pay a bond agreeing not to return, risking forfeiture and further trial and punishment if he did. Basically, Kitchener reinforced previous requests that officers be lenient and systematic, and took some practical steps to ensure it happened. His aim, it seems, was to standardize administration, and to emphasise the separate powers of civil and military courts. By so doing the army could prevent complaints about administration and thus remove the possibility of civilian interference in the proceedings of Courts-Martial.

Four days later, Kitchener issued a circular memorandum which stressed the need for caution when investigating information regarding the disloyal conduct of Afrikaners.<sup>52</sup> Feelings of sympathy for the enemy and selling them goods were not considered to be offences: giving information to the Boers of a military nature and fighting with the enemy were. It was made clear that a defence based on the plea of being commandeered in an area supposedly annexed by the enemy would not be tolerated. Acting under *force majeure* might mitigate circumstances, but clear proof would be required for a successful plea to be entered. As a sop to the civil authorities magistrates were deemed to be assistants and advisers to the military.

The last paragraph of Kitchener's orders contained an interesting detail that bears on the discussion regarding the status of military courts. Kitchener stated that where the offence was high treason and of a serious character, and if proved would mean the death penalty, then the officer had to apply to Kitchener for a trial under a mixed commission, comprising a Judge of the Supreme Court and four commissioned officers. This was a small concession after the army's insistence that civil and military courts should remain

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<sup>52</sup> 3 Feb 1900, *Ibid.*



separate.<sup>53</sup> As for the circular and the earlier memorandum, there was no dissent in the Colonial Office; Lambert minuted, 'Their substance and tone is excellent...'<sup>54</sup>

### III

How to punish rebels effectively, but without unnecessary severity was a question which required delicate handling. In Cape Colony, not only was the nature of the punishment difficult to decide, the British authorities also had to ensure that punishments inflicted under martial law continued after the emergency ended, an issue which conflicted with accepted procedure as recorded in the 1867 Regulations. Moreover, the need to balance the interests of all those involved, imperial, Colonial, Afrikaner, and military, proved an arduous and time-consuming task for the British authorities. Four questions arose: first, could the army inflict 'severe' punishments; second, could they deport rebels to other districts in the Colony; third, could rebels be punished by forfeiture of property; and fourth, how could vast numbers of surrendered rebels be dealt with.

On 11 December 1899, Buller asked Lansdowne how severe he could be to those found guilty of aiding and abetting the enemy, even though they offered the defence that they had been forced to do so under a Boer proclamation of annexation. Buller was now in Natal and questions relating to martial law administration were beginning to surface there. Although Natal did not have the same racial problems found in Cape Colony, martial law nevertheless raised problems that had a direct bearing on the way it was administered in its sister colony. In fact, the experience gained in dealing with martial law problems in one colony was always relevant for dealing with problems in the other. Moreover, Buller's question placed the onus of interpretation firmly on the British government. This made sure he would not face the dilemma suffered by military officers in the past, that is trying to decide how severe one should be in administering punishments, without being accused of failing in one's duty if the punishment was too lenient.<sup>55</sup> On receipt of this request from the War Office, officials at the Colonial Office

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<sup>53</sup> Kitchener did stress the desirability of having impartial witnesses. *Ibid.*

<sup>54</sup> CO Minutes, 9 April, 18 May, 25 June, 1900, CO 417/287/ff.626B-635.

<sup>55</sup> Buller to Lansdowne, 11 Dec 1899, CO 417/275/f.1055.

wrote that leniency ought to be the paramount consideration, as they did not want to see the creation of another set of martyrs as at Slagter's Nek. They wanted Buller to have power of discretion in relation to military necessity, but to avoid inflicting the death penalty if at all possible.<sup>56</sup>

Chamberlain echoed the opinions of his officials, although he was more scathing about the nature of the defence offered by offenders. The only difference in Chamberlain's reply was that he advocated forfeiture of property as a punishment.<sup>57</sup> After consulting Salisbury, Lansdowne thought it best to get additional legal opinion on the subject, and informed the Judge Advocate General (JAG) of Buller's request.<sup>58</sup>

The JAG replied that 'the Commander-in-Chief is subject to no superior authority of a legal kind, and the exercise of his powers is limited only by such considerations of justice and prudence as commend themselves to him.' As to inflicting punishments, the JAG wrote that there would be great differences in the cases but that the excuse being offered - pretended annexation - 'is not entitled to any favourable consideration.'<sup>59</sup>

However, what the JAG meant by considerations of justice and prudence was not explained. The problem being that one officer might pass a severe sentence believing it to be true justice for the offence committed; another might consider the offence in a different light and be more lenient. Each though would have applied his own consideration of justice and prudence. This became apparent when Hely-Hutchinson, reported to the Colonial Office that four Natal farmers had been sentenced to 5 years imprisonment by a Court-Martial, for looting the property of loyal colonists. Hely-Hutchinson had in fact made a mistake: six days later, he informed Just that the farmer had not been sentenced to five years, but one year with hard labour. This, of course, did not alter the problem because martial law was not expected to last that long.<sup>60</sup> Ordinarily, this might seem reasonable for the crime of looting and reflected one officer's view of justice. However,

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<sup>56</sup> CO Minutes, 15-17 Dec 1899, *Ibid.*, ff.1051-52. In 1815, several Afrikaners were hanged at Slagter's Nek after a failed rebellion.

<sup>57</sup> Chamberlain to Lansdowne, 12 Dec 1899, WO 32/7871.

<sup>58</sup> Lansdowne to Salisbury, 14 Dec 1899; Salisbury to Lansdowne, 14 Dec 1899, *Ibid.*

<sup>59</sup> JAG to Lansdowne, 15 Dec 1899, *Ibid.*

<sup>60</sup> Hely-Hutchinson to Chamberlain, 16 Dec 1899, CO 179/208/f.216; to Just, 22 Dec 1899, *Ibid.*, ff.214-215.

this prompted a substantial debate in the Colonial Office and revealed another side of the argument. Lambert noted that it was useless to pass such a sentence, arguing that martial law would never last that long, and referred his colleagues to Article 19 of the 1867 circular.<sup>61</sup> Lambert acknowledged that an act by the Colonial government could extend sentences beyond the period of martial law so that offenders would serve their full term. Wilson said much the same, pointing out that in 1878 the Law Officers stated that 'as soon as the necessity for martial law had ceased then those imprisoned under its regulations would be liable for release.' Wilson, like Lambert, added that an indemnity act ought to be obtained to cover proceedings under martial law, but saw no reason to interfere with the sentences mentioned by Hely-Hutchinson as they would cease once martial law had ended. While Sir Robert Herbert agreed with Wilson's summary, Selborne objected to the idea of sentences not carrying beyond the lifetime of martial law. Wilson, in reply to Selborne's question as to what could be done to remedy this problem, said that only legislation passed before martial law ended was the answer. Selborne urged that the Governors be consulted on this point and asked Chamberlain, 'Surely it is not to be contemplated that all rebels sentenced under martial law should go scot free when the war is over?' To which Chamberlain replied, 'It would be a possible argument for shooting.'<sup>62</sup>

The second problem encountered by the military and passed on to the British government occurred in January 1900. On 8 January, Forestier-Walker asked Lansdowne whether a civilian tried and sentenced in a military court under martial law could carry out his sentence in a district that had not been proclaimed. This question touched on the legality of deportation, something that had been referred to in December. Forestier-Walker explained that the problem was urgent as there was 'insufficient jail accommodation in districts subject to martial law.'<sup>63</sup> Again Lansdowne sought legal advice and referred the matter to the Deputy Judge Advocate General (DJAG), who, in his report, stated that the

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<sup>61</sup> Article 19 stated, 'As sentences of Courts-Martial may not avail beyond the term of Martial Law, no sentence of imprisonment beyond that term should be awarded, nor any sentence of penal servitude.' WO 32/8173.

<sup>62</sup> CO Minutes, 9-16 Jan 1900, CO 179/208/ff.212-213. H.F. Wilson was the Colonial Office Legal Assistant. Hely-Hutchinson was asked to make Natal ministers aware of this problem. Chamberlain to Hely-Hutchinson, 19 Jan 1900, *Ibid.*, ff.226-227.

<sup>63</sup> Forestier-Walker to Lansdowne, 8 Jan 1900, WO 32/7871/079/725.

first part of Forestier-Walker's question was dealt with by paragraph eight of Wynne's Army Orders.<sup>64</sup> The second part the DJAG understood as 'Can a sentence of deportation from one proclaimed district to another or from a proclaimed district to that part of the Colony which is still under the regime of the Common Law be legally carried out in the proclaimed districts under Martial Law?' Unfortunately for the military authorities, on this point the DJAG could not find a direct precedent. He stated that under martial law the Commander could inflict any punishment required by military exigencies. The DJAG meant no doubt that if the Commander-in-Chief saw fit to deport an offender under martial law to wherever he thought suitable, then he had every right to do so, as the ordinary law had been suspended. And in conclusion the DJAG remarked that after martial law had ended on British territory, an act of indemnity was normally passed. This had been done in Natal in 1874 and in Cape Colony in 1835-36, and in 1846-47.<sup>65</sup>

As an added safeguard, the Law Officers of the Crown were asked to pass judgement on the issue and the memorandum of the DJAG: on 18 January they recorded their first opinion on martial law matters in South Africa. The Law Officers agreed that a term of imprisonment should be carried out in a martial law area; likewise they agreed a sentence of deportation could be passed but emphasised that an offender could not be detained if he had been deported to a non-martial law district. The Law Officers also stressed the propriety of passing an indemnity act and, just as important, an act to confirm sentences awarded by martial law courts, lest serious questions arise once martial law had ceased to operate.<sup>66</sup>

Forfeiture of property was another punishment considered by the authorities. In November it was discovered that the Boer General, Joubert, held land in Natal and the Attorney-General was asked whether it might be confiscated. He was also asked whether this punishment might be applied to rebels. The Attorney-General said that Roman Dutch

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<sup>64</sup> Paragraph eight. 'Sentences of Military Courts under martial law must be carried out within the limits of the District in which martial law has been proclaimed.'

<sup>65</sup> Memo. by DJAG., 13 Jan 1900, WO 32/7871/079/725.

<sup>66</sup> LO Report, 18 Jan 1900, *Ibid.*

law forbade confiscation from either a rebel or an enemy alien; nor did he agree with the idea of retrospective legislation to create the punishment of forfeiture.<sup>67</sup>

Colonial Office officials shared the same opinion; Lambert noted that ‘...I doubt if confiscation for treason exists now in any civilized code.’ He also remarked that retrospective legislation would never be passed in Cape Colony, and was not worth the bother. However, Cox pointed out that a Cape law allowed appropriation of a rebel’s property:

Consequently, if loyal colonists think fit to enter into possession of rebels’ farms they will not be liable to be dispossessed.

He suggested also that where rebels were punished by fine it could be levied by ‘escheat of the rebels’ property.’ But for the present he advised nothing be done.<sup>68</sup> The matter was put before the Law Officers and was the first occasion on which their opinion was called for, although they did not record their views until after those on deportation. They stated categorically that forfeiture was a punishment unknown to either English or Natal law. Retrospective legislation, they added, was a matter of policy, but they could not condone its use, nor could they offer any adequate reasons why it should be considered.<sup>69</sup> Not surprisingly, their opinion coupled with political considerations were enough to deter the Colonial Office from taking any action for the present and nothing was done.

As the military situation improved so the question of dealing with those rebels captured in arms, or aiding and abetting the enemy became prominent. This was prompted particularly by a telegram, on 26 January 1900, from the Boer governments to Lord Salisbury which demanded that rebels captured in arms should be treated as Prisoners-of-War (POW’s), and if this was not done the Boer leadership would regard it as justification for ordering reprisals against British prisoners. Chamberlain informed Milner of this and asked for information regarding the numbers of rebels and the proceedings taken against them.<sup>70</sup> Milner replied that the rebels captured at Sunnyside on 1 January 1900 (see

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<sup>67</sup> Bale to Hime, 14 & 21 Nov 1899, CO 179/207/ff.931-932, 936-937.

<sup>68</sup> CO Minutes, 7-15 Jan 1900, *Ibid.*, ff.909-913.

<sup>69</sup> LO Report, 25 Jan 1900, CO 179/216/ff.446-449.

<sup>70</sup> Chamberlain to Milner, 30 Jan 1900, WO 32/7871/079/1158.

fn.50) were the only rebels taken in arms and not treated as POW's. Moreover they were being dealt with by the civil authorities; and any found to be citizens of the Transvaal or OFS before the war would be treated as ordinary POW's. None claimed to be burghers under the *Besluit* of 29 September 1899 - that is none had joined the Transvaal forces prior to the outbreak of war - although he was prepared to see them treated as POW's:

But in my opinion it would be a colossal blunder, and likely to have serious effects in causing an extension of the rising in the Colony if we were to treat Colonial rebels as prisoners of war.<sup>71</sup>

The Law Officers reported on 6 February regarding this matter and stated first that any captured rebel given over to the civil authorities for trial had in fact been classed as a traitor and not as a POW. Anyone detained as a POW did not have the right to claim a trial for treason even though he was guilty of a high treason as a rebel. This, they wrote, '...is an indulgence of which he cannot complain,' implying, no doubt, that it was less dangerous to be regarded as a POW than a rebel, since the latter could be tried for treason and possibly face the death penalty. Secondly, there would be a problem if a rebel was removed from civil custody to be detained as a POW. Difficulties would arise as to the legality of his detention, especially after an application for a writ of *habeas corpus*. The Law Officers felt that being taken from the civil authorities might be construed as a discharge from custody and would prevent his rearrest as a POW. Thirdly, anyone treated as a POW could be sent to St. Helena as others were, unless a law of the Cape or St. Helena said otherwise. They suggested the two Attorney-Generals (of Cape Colony and St. Helena) give advice on the matter. The Crown had powers to detain POW's where it thought fit. Fourthly, it was necessary to bring anyone known to be a British subject to trial as quickly as possible. If he was kept as a POW then the Crown had elected not to treat him as a traitor, especially if he had been detained for a long time. Lastly, it would be difficult to convict a rebel if he had been treated as a POW and then, after the war, was tried for treason.<sup>72</sup>

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<sup>71</sup> Milner to Chamberlain, 1 Feb 1900, *Ibid*. The *Besluit* was a law of the Transvaal Volksraad of 29 Sept 1899. This law made all foreigners serving with the Boer forces into burghers immediately, despite various residence qualifications normally attached to citizenship.

<sup>72</sup> LO Report, 6 Feb 1900, WO 32/8174.

Lambert, at the Colonial Office, was perturbed after reading this; he wondered if a rebel might query the legality of his arrest by petitioning the Supreme Court or the Attorney-General of Cape Colony. He also wondered if the remarks made by the Law Officers were applicable to the laws of Cape Colony, and that the Chief Justice of the Cape might decide that civil courts ought to deal with all doubtful cases. Lambert felt the Bond were anxious to involve the British authorities in a dispute with the Colony's courts. As for Kruger's protests they could be ignored, especially as the Sunnyside rebels were unlikely to be hanged.<sup>73</sup>

The problem of dealing with rebels now began to assume the proportions of a crisis as the number of those surrendering increased rapidly. Advice on the matter came from all directions. In January, General Ardagh finally replied to a minute from Chamberlain, after pondering the question of rebels since December. Chamberlain wanted advice on how to punish rebels for stealing loyalist property. Ardagh, in a rather extreme reply, advocated the extension of martial law by the imperial government throughout the Colony without consulting either Milner or the Cape government. Ardagh believed this would simplify matters immensely:

The executive will have to obey Lord Roberts. The trial of rebels will not be a mere farce, and they will feel that they can no longer rely on the immunity offered by the Bond ministry. It is not necessary that the rebels should be executed, but entire forfeiture of property should be executed.<sup>74</sup>

After reading this memorandum Lansdowne was certain that Ardagh's opinion that Milner need not be consulted (the Cape ministry was not mentioned), was not one the Colonial Office could or would subscribe to.<sup>75</sup> He was right: Just and Chamberlain both minuted that the extension of martial law was out of the question; to extend it to areas well beyond the invasion zone required far greater justification than existed at present. Graham disagreed with Ardagh's ideas on forfeiture. This would punish the innocent and

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<sup>73</sup> CO Minutes, 8 Feb 1900, CO 417/305/ff.167-168. As mentioned in fn.50 the rebels only received light sentences.

<sup>74</sup> Chamberlain's Minute, 23 Dec 1899; Memo. by Ardagh, 21 Jan 1900, CO 417/306/ff.370-379, 368-370. Ardagh was consulted probably because of his interest in aspects of military and martial law. He was military adviser to the British delegation at the Hague Convention and helped draft the rules of International Military Law.

<sup>75</sup> Lansdowne to Chamberlain, 23 Jan 1900, *Ibid.*, f.381.

mean the necessity of retroactive legislation. Graham wanted rebels punished in person; the leaders by imprisonment and fine; the rank and file by one or other, or both according to the seriousness of the crime; and all by disfranchisement.<sup>76</sup>

The method of trying rebels was also discussed by the authorities in Cape Colony. On 27 January, Solomon suggested to Kitchener that a judge of the Supreme Court ought to preside over cases of high treason. Solomon believed that this would give confidence to the accused and his friends, and confidence in the belief that due process of law was being carried out. Solomon's motives for suggesting this no doubt coincided with those of the Colonial Office: a shared dread of the military imposing death sentences on civilians, even if they were convicted rebels.<sup>77</sup>

Kitchener was quite prepared to agree to this, replying he had no objections, and promptly embodied this proposal in his circular of 3 February.<sup>78</sup> Probably, he just wanted to avoid an argument in order to get something done, and ensure that everything was in order before he moved to the 'real war' further north. (Kitchener and Roberts left for the Modder river on 8 February).

Colonial Office officials were glad that rebels would not face the death penalty without reference to themselves. Lambert expressed the view that it might be necessary to inflict the death penalty in some cases, but the 'essential thing seems to be to prevent Courts Martial from hanging people simply because they are rebels.'<sup>79</sup> Milner was informed of Chamberlain's approval regarding the appointment of a Supreme Court Judge to oversee Courts-Martial for high treason. Chamberlain urged Milner to find out whether the death penalty was being inflicted in cases that had been tried promptly because of military reasons. He also wanted to know what was being done in Natal and reminded Milner of General White's order that no sentence of death would be carried out without his permission.<sup>80</sup> Chamberlain however had no cause for concern. Up to 30 April 1900

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<sup>76</sup> CO Minutes, 28-29 Jan, 2 April 1900, *Ibid.*, ff.382-383, 357-358.

<sup>77</sup> Solomon to Kitchener, 27 Jan 1900, CO 48/545/f.439.

<sup>78</sup> Kitchener to Solomon, 28 Jan 1900, *Ibid.*, f.440. This was Kitchener's concession to the civil authorities after Roberts had complained earlier about mixed commissions of civilians and soldiers.

<sup>79</sup> CO Minutes, 28 Feb-2 Mar 1900, *Ibid.*, ff.435-436.

<sup>80</sup> Chamberlain to Milner, 5 Mar 1900, *Ibid.*, ff.444-445.



only 19 cases had been tried by military courts and not one of the accused had been condemned to death. In Natal the story was the same, 14 cases and no deaths.<sup>81</sup>

In fact rebels were now willing to surrender in numbers and the military either required instructions or were prepared to let them surrender on lenient terms. On 24 February 1900, Milner informed Chamberlain that General Brabant wanted instructions as to what terms should be offered to rebels to induce them to surrender. Lord Roberts, evidently, was too busy to consider the matter, so Milner recommended that all except the ringleaders could go back to their farms, pay a deposit for good behaviour and undertake to reappear for trial; however, this meant that all rebels would have to be charged. However, Milner mentioned Schreiner's suggestion that on laying down their arms, rebels should be allowed to return to their farms but would 'remain liable to be called to account at any time hereafter for their part in rebellion or any offences which they may have committed in connexion with it.' Milner favoured this idea because he felt that if the authorities insisted on arresting and trying all the rebels then they would face grave problems. First, there were too many rebels to guard; second, too many rebels would escape conviction, and third, it would discourage the tendency to surrender.<sup>82</sup> This alternative was also favoured by Chamberlain. He wanted to see the same procedures adopted in Natal and in the Cape: a regularised system of surrender to avoid any legal objections later. This was to be impressed upon the military authorities.<sup>83</sup>

Such was Chamberlain's apprehension that he sought the opinion of the Law Officers on the subject. They reported that binding rebels to appear for trial depended on the Cape law of procedure. This was unknown to English law, unless the individual had already been charged. If a rebel had been detained by the civil authorities, he could only be released on bail by a British Secretary of State, or a member of the Queen's Bench Division. As to the question whether rebels would be allowed to return to their farms without entering into recognizances, but still be liable for trial either before or after the end of the war, the Law Officers saw no objections to this even if: rebels had been

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<sup>81</sup> In fact, the first award of the death penalty was not until 4 Feb 1901 and this was commuted to 6 months imprisonment with hard labour. No citizen of Natal was executed after trial by a military court. Cd.981, pp.214-215.

<sup>82</sup> Milner to Chamberlain, (tel.), 24 Feb 1900, CO 417/286/ff.492-493.

<sup>83</sup> Chamberlain to Milner, (tel.), 27 Feb 1900, *Ibid.*, ff.500-501.

detained as POW's, or had returned to their farms having been neither a POW, nor in civil custody. Again, where the prisoner had been in civil custody beforehand, the question asked depended on the Cape law of procedure.<sup>84</sup>

Following this advice the decision was made to allow rebels to surrender merely on condition to appear for trial later. To this Milner, Roberts and the Cape ministry agreed. Natal, however, did not and wanted to treat rebels differently especially as they had fewer to deal with than Cape Colony. Milner explained to Chamberlain that Natal thought surrender terms would only encourage rebels to believe they would be treated leniently; paroled rebels, moreover, might interfere with the collection of evidence. Natal wanted rebels arrested immediately and would release them only after they had explained their absence from their homes satisfactorily: too much leniency would upset loyalists. It is interesting to note the fact that Lord Roberts, normally an advocate of harsh treatment for rebels, agreed to the lenient conditions. This may be explained by Milner's concluding remarks when he made the point that the prompt surrender of rebels had 'the immediate and important object of a rapid pacification of the disturbed districts, and the release of a large number of troops to deal with the original enemy...' Roberts obviously knew his priorities.<sup>85</sup>

Chamberlain was prepared to let Natal deal with rebels differently; this was due to the confidence the British had in the Natal ministry and, of course, to the political problems there being less acute than those in Cape Colony. On the other hand, he preferred to see every rebel suffer in some way, 'pour encourager les autres'; he suggested inflicting a small fine on the rank and file and a severer punishment (just what, he did not specify) on the ringleaders.<sup>86</sup>

All this was for the future when it would be decided exactly how the rebels would be dealt with. Throughout March and April the number of surrendered rebels grew well beyond the means of either the military or civil courts to try them all. The army high command was content to bring in the rebels and waive the right to try them in military

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<sup>84</sup> LO Report, 26 Feb 1900, CO 417/305/ff.206-209.

<sup>85</sup> Milner to Chamberlain, 8 Mar 1900, CO 417/287/ff.178-182. Roberts told Milner that he had issued a warning in rebel districts that any who rebelled again would face full punishment. Roberts was not going to let rebels off that lightly. Roberts to Milner, 9 April 1900, WO 105/34/C957.

<sup>86</sup> CO Minutes, 27-29 Mar 1900, CO 417/287/ff.176-177.

courts. The campaign in the north took priority especially as army numbers were thinning owing to lengthy lines of communication and casualties. Graham noted:

It appears...that the military authorities on the spot have a natural inclination to facilitate military operations by offering good terms to those rebels who surrender.<sup>87</sup>

Indeed, Roberts was glad to withdraw the army's involvement in bringing the rebels to trial. He informed Milner that no more sentences would be confirmed and no more Courts-Martial would be held until further notice. As far as he was concerned:

The sentences are more or less a farce, when they must come to an end concurrently with the termination of the state of martial law. For no one supposes or wishes that martial law will be in force a day longer than is absolutely necessary.<sup>88</sup>

Now that the Colonial Office, the Cape Ministry and Milner had agreed on a lenient course to induce rebels to surrender, it seemed, for once, that all the authorities were united on a major point. However, this did not prove to be the case.

While the military authorities in South Africa were prepared to let ordinary rebels be tried by civil courts, the military authorities in Britain made a last effort to gain complete control over trials for high treason. On 23 March 1900, the War Office informed the Colonial Office that arrangements made allowing a judge of the Supreme Court to sit on a military tribunal had not been approved, by either Lord Wolseley, or the JAG. The following reasons were advanced for their refusal:

- (1) The Judge will not take any oath. (This reflected the military's suspicion of the Colonial judiciary.)
- (2) Officers will probably be unable to ensure that due weight is given to military considerations.
- (3) Questions of treason affecting Military operations...[would] be better dealt with by purely Military Courts Martial, while all other cases against civilians will where this is possible be better disposed of by an entirely civilian tribunal.
- (4) So far as is known, in South Africa there are few Judges whose verdict will be acceptable to both sides.<sup>89</sup>

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<sup>87</sup> CO Minutes, 2 April 1900, CO 417/306/f.357.

<sup>88</sup> Roberts to Milner, 18 April 1900, MP IV/A/175/ff.16-19.

<sup>89</sup> WO to CO, 23 Mar 1900, WO 32/8177.

The Colonial Office were alarmed at this sudden change of front by the military, especially as it carried grave political implications. As the Cape government had agreed to the appointment of a Supreme Court judge, the abrupt rejection of their idea would cause a great loss of confidence in the trial procedure. Lambert said that 'it seems better that a few should escape rather than the suspicion of military violence should rest on every conviction.' He deprecated shunning the Cape government as the original arrangement would bind the ministry to the imperial authorities, a point seized on by Chamberlain for its obvious political good sense. Chamberlain did not want the Cape government's co-operation rejected; by agreeing to the Judge, Schreiner's Cabinet had taken some of the responsibility for punishing rebels. Moreover, having a civil judge on a military tribunal would make the ministry amenable to the establishment of a judicial commission for punishing the bulk of the rebels and compensating the loyalists. The War Office decision, therefore, was not greeted with any enthusiasm whatsoever.<sup>90</sup>

Lansdowne, after seeing Chamberlain's objections, overruled Wolseley and the JAG because the political difficulties caused by such a change would have been too great.<sup>91</sup> There does not appear to be any other correspondence which throws light on Wolseley's actions. His distrust of civilian interference was apparent, and perhaps he was determined to ensure that rebels who had attacked the army in some form or other would be properly punished; moreover, Wolseley might have been suspicious of a judge whose brother was in Schreiner's government. However, he was too late in his objections as the arrangement had been agreed to by the military authorities in South Africa. They realised that dealing with rebels was now a political problem and one that would tax the resources of the military if they were obliged to undertake a major share of convicting prisoners.

On 13 June 1900, Milner sent Chamberlain his summary of the administration of martial law. What he said showed clearly that the trials by Courts-Martial were few in number, even after the serious revolt in the north-east of Cape Colony. So many rebels were captured that the procedures laid down in Kitchener's memoranda proved too time-consuming and incapable of dealing with the influx of prisoners. Consequently very few were dealt with by Courts-Martial, and only one was of major importance. This was when

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<sup>90</sup> CO Minutes, 23-25 March 1900, CO 417/306/ff.470-473; CO to WO, 27 Mar 1900, WO 32/8178.

<sup>91</sup> WO to CO, 28 Mar 1900, CO 48/550/f.20.

two rebels were sentenced to five and ten years imprisonment. By June over 8,000 rebels had been dealt with. Overall the administration of martial law during the period between October 1899 and June 1900 had been characterized by a lack of intervention by the military courts.<sup>92</sup>

The complaints against the military centred on the various regulations they had imposed and administered. Theron's letter, and Milner's own observations suggested that many complaints were justified. The high command, however, did endeavour to introduce an efficient and reliable administration of martial law. Unfortunately good intentions could never legislate for individual caprice, or plain ruthlessness.

The stories that emanated from various districts about military despotism may explain the near hysterical fear about the trial of civilians in military courts. However, sentencing of rebels had been lenient: Buller's request for instructions in December had placed the onus on the British government to declare its policy, and for political reasons they decided that death sentences would only be awarded as a very last resort. When the rebellion was at its height, the government also sought opinion as to what punishments were permissible. It was decided that forfeiture of property was out of the question and the death penalty politically inexpedient. Deportation, from one martial law district to another or to a non-proclaimed area, was permissible - although the latter was hedged by various restrictions. Once the last rebellion had collapsed and an influx of prisoners taken in, only the ringleaders were deemed guilty enough to face the death penalty; the rank and file were disfranchised for five years. Eventually, on 12 October 1900, the Cape authorities passed an Indemnity and Special Tribunal Act, which indemnified the military for their actions done under martial law, and confirmed all prison sentences so that prisoners would serve their full terms. At the same time a Special Tribunal was established to try the thousands of rebels either still in custody, or who had returned to their farms after promising to appear before a court. Even so, martial law was removed from only a few districts, including Cathcart, Queenstown, Molteno, Steynsburg, and Britstown (except De Aar), as the majority were considered too disturbed to return civil

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<sup>92</sup> Milner to Chamberlain, 13 June 1900, WO 32/8179.

administration.<sup>93</sup> However, by the end of October the rebellion was over and the main war also appeared likely to end soon.

## PART TWO.

On 16 December 1900, Boer commandos invaded the Colony again and, as before, incited rebellion. Unlike the first invasion, these commandos were not content to occupy territory and then do nothing. Between December 1900 and May 1902, the Boers were determined to provoke a colony-wide rebellion designed to undermine British rule. Consequently, martial law was reintroduced on a far larger scale; by the end of January 1901, it had been proclaimed throughout the whole Colony, except the ports and native territories.

The new Cape ministry, under Sir Gordon Sprigg's Progressive party, was thought to be more amenable to the needs of the military. But, like their predecessors, they shared a fundamental suspicion of the military when the latter were called upon to administer martial law. While the disputes were the same as before, the scope and intensity of the arguments were far greater. The first section, therefore, will concentrate on the efforts made by both the civil and military authorities to make martial law administration more systematic and benevolent. The second part will examine the major disputes which arose as a result of the extension of martial law, and how they increased in intensity and eventually affected imperial strategic policies. Section three will show how difficult it could be for the imperial civil and military authorities to obtain indemnity and confirmation acts from a recalcitrant and antagonistic local government.

### I

Despite his misgivings regarding the efficacy of martial law, Milner's fear of rebellion easily submerged the doubts he had. Even before the Boers invaded, Milner was anxious about the restless state of the frontier districts and felt that unless the Colony

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<sup>93</sup> Those districts still under martial law: Colesberg, Albert, Aliwal North, Wodehouse, Glen Grey, Mafeking, Vryburg, Taungs, Barkly West, Herbert, Phillipstown, Hopetown, Prieska, Kenhardt, Barkly East, Gordonias. Most of these districts had been placed under martial law in March following renewed invasion and rebellion. Cd.981, pp.7-9.

settled down martial law would have to be proclaimed throughout. Although he realised that owing to the paucity of troops little could be done to enforce martial law, he believed, 'the policy of showing a bold front is the only way to avert fresh trouble.'<sup>94</sup>

Milner suggested a modified course of action to the Cape government, clearly not wishing to alarm ministers with talk of martial law throughout the whole Colony. Instead, he advocated placing the lines of communication under martial law to forestall sabotage. Unfortunately, ministers were reluctant to comply, believing the situation was not as bad as Milner suggested.<sup>95</sup> Yet Milner was unable to remain calm or take a detached view of the situation. This was a measure of the importance Milner placed on the region, as the one area which could alter the balance of the war in favour of the Boers. Milner never lost this anxiety and it affected his remarks and views accordingly. He tended to regard Afrikaners as foreigners, placing them on a par with the Boers from the republics. Milner felt that unfriendly citizens should be treated like the population of an occupied country; and the only way to do this was through martial law. He wanted martial law imposed to prevent sedition and rebellion before they occurred:

The mere proclamation of Martial Law would...produce an immediate effect in restraining the unbridled license of the present agitation. Even if it did not, a firm but judicious use of extra powers to prevent seditious speaking and writing, to prohibit meetings calculated to inflame public feeling, and to control movements of dangerous agitators by confining them to their own homes or keeping them in some safe locality, would...produce the desired effect.<sup>96</sup>

When the Boers invaded Cape Colony on 16 December 1900 martial law could be put off no longer. Four days later, martial law was proclaimed throughout the western/midland districts.<sup>97</sup> This time the Boers moved into districts that had not been occupied during the first invasion. They made rapid progress towards De Aar, and it

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<sup>94</sup> Milner to Kitchener, 30 Nov 1900, CO 48/548/f.467. Kitchener thought this was the best option. Kitchener to Milner, 1 Dec 1900, *Ibid.*, f.468.

<sup>95</sup> Milner to Ministers, 1 Dec 1900; Ministers to Milner, 3 Dec 1900, CO 48/548/ff.478. These were illegible, but gist gained from Milner's reply & Chamberlain's reply of 31 Dec 1900, *Ibid.*, f.465.

<sup>96</sup> Milner to Ministers, 4 Dec 1900, *Ibid.*, ff.478-484.

<sup>97</sup> The newly proclaimed districts were: Britstown, Victoria West, Richmond, Hanover, Murraysberg, Graff Reinet, Aberdeen, Middelburg, Steynsburg, Cradock, Tarka and Molteno. *Ibid.*, f.747. On 27 Dec 1900, Beaufort West and Carnarvon were also proclaimed. *Ibid.*, f.775.

seemed they would launch themselves into the western heartlands. This, apparently, persuaded ministers to proclaim martial law in the threatened areas. For the time being Milner was convinced the proclamations would dampen the rebellion, and that the best solution to the crisis had been applied.<sup>98</sup>

The new Attorney-General Sir James Rose Innes, was less than certain about the use of martial law. He could not divest himself of the view that the civilian authorities ought to take some part in its administration. By so doing, Innes was contradicting the whole concept of martial law;<sup>99</sup> the civil authorities relinquished control over the exercise of the ordinary law as a form of deterrent; by passing this authority to the military they hoped to inspire terror in rebels who faced the prospect of being brought to justice by the more arbitrary process of military law. If the ordinary civil government was seen to be taking part in this process it could have one or two consequences. First, the civil government would be associating itself with a process which was considered illegal. Secondly, they would lessen the deterrent effect of giving the military the task of administering justice. Civilian interference would not only highlight a division between the civil and military authorities, it might even weaken the impact of martial law.

When martial law was proclaimed Innes made the first of his demands regarding how it would be administered. He was aware of the earlier difficulties created by the imposition of special regulations, and his initial actions seemed to have been aimed at trying to prevent this happening again. However, Innes was more concerned about the way the military dealt with cases of sedition. He wanted the military to take cognizance of a 'simple code' in areas where there was no rebellion. By allowing magistrates to try ordinary cases of sedition and a mixed court to try graver cases, Innes tried to moderate the potentially capricious aspects of military jurisdiction, and introduce a controlling civilian feature into the bargain.<sup>100</sup>

Innes was determined to get his point across. On 22 December he sent Milner three sets of proposals regarding the difficult question of sedition and the authority of

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<sup>98</sup> Milner's Diary of Events, 20 & 27 Dec 1900, *Ibid.*, ff.842-843, 857-858.

<sup>99</sup> C. Townshend, *Britain's Civil Wars: Counter-Insurgency in the Twentieth Century* (London, 1986), p.178.

<sup>100</sup> Innes to Milner, 20 Dec 1900, CO 48/548/ff.782-784.



magistrates. In one set - his instructions to magistrates - Innes explained that 'Martial Law is administered by the Military Authorities and not by the civil courts.' The magistrate was to proceed as normal, circumstances permitting, even if the military required him to try a suspect, arrested under martial law regulations, by the ordinary law. For example, some Afrikaners were arrested under martial law for stealing livestock from an English-speaking farmer. Ordinarily, this was a civil crime and not one for the local commandant to worry about.<sup>101</sup> But dealing with breaches of the regulations required the magistrate to forego his office, as he had become an officer deputed for the purpose by the commandant. The magistrate was allowed, in minor cases such as being unable to produce a pass, or being out after curfew, to inflict a small fine (£30), or three months imprisonment. On any graver charge the magistrate, as the commandant's deputy, was required to carry out a preliminary investigation, and after sending his report to the commandant, had to send a copy of the evidence and the report to the Attorney-General. If a trial was recommended, a special tribunal would be established to try the offender. Innes explained to Milner that he wanted magistrates to deal with all ordinary criminal cases, as if martial law was not in force. The only difference being that the magistrate would act as a commandant's deputy for breaches of the regulations. The use of the term 'deputy' was the first occasion this term was used and revealed Innes's desire to introduce a regular civilian element into martial law proceedings. By doing so, Innes clearly wanted commandants to hold the minimum amount of power possible, and to keep civilians out of the hands of the military.<sup>102</sup> However, by using the term 'deputy,' Innes also implied a more definite relationship between the commandant and magistrate: that is, the magistrate was clearly subordinate to the military officer, and in no position to question or criticize his superior.

The military authorities in Cape Colony also did not want a repeat of the friction that had characterised relations between civil and military officials before. Colonel Trotter, Forestier-Walker's Chief of Staff, issued two circulars designed to forestall this problem. The first was a set of instructions for the benefit of commandants. Like earlier instructions, commandants were told not to interfere in the regular life of civilians and that

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<sup>101</sup> Nasson, *Esau's War*, p.145.

<sup>102</sup> Innes to Milner, 22 Dec 1900, CO 48/548/ff.786-787, 788-789.

magistrates should deal with cases under the ordinary law. Commandants were informed they could make any regulations for, among others, restricting the movement of 'undesirable persons', for prohibiting meetings, for examining suspicious consignments, 'and generally for maintaining good order, military discipline, and the peace of your district.' Again, commandants were empowered to arrest anyone on suspicion of helping the enemy, although all such arrests had to be reported to a superior officer.<sup>103</sup>

The second circular informed commandants of the Attorney-General's instructions to magistrates, which as Trotter remarked, were designed to relieve the commandant 'from the burden of criminal judicial work.' In these more explicit instructions Trotter differentiated between two types of offence: breaches of the ordinary law and breaches of special regulations. Magistrates would deal with the former as outlined in Innes's proposals; but with regard to the latter, Trotter made it clear that in framing various regulations the commandant 'should be careful not to harass the people by making more, or severer, regulations than are necessary for military purposes...' Trotter's new instructions brought those of the military into line with those issued by Innes. This was reinforced by Trotter's remarks regarding the punishment of those convicted of using seditious language. He emphasised that it was not 'desirable to take notice of every loose and unguarded expression of persons of no consequence...not likely to have any effect on the conduct of others.' And anyone accused of using 'printed matter of an inflammatory character' should be dealt with under the ordinary law for seditious libel. Annexed to the circular was a copy of the *Regulations with Respect to the use of Seditious Language*.<sup>104</sup>

For the time being military and civilian instructions seemed to be in harmony. But the nature of the warfare now engulfing Cape Colony made even this relationship problematic. On 17 January 1901 martial law was extended throughout the whole colony except for the ports and the native territories. This meant that large areas were now, for the first time during the war, under martial law. It seems this rapid extension caused certain problems as both the civil and military authorities endeavoured to come to terms

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<sup>103</sup> 21 Dec 1900, *Ibid.*, f.785.

<sup>104</sup> 29 Dec 1900, Cd.981, p.42-43. The annexed copy of the regulations viz., seditious language read: 'No person shall make use of any language with the intention either:  
(a) Of raising or fomenting disaffection among Her Majesty's subjects.  
(b) Of promoting hostility between different classes of such subjects, under a penalty not exceeding six months imprisonment and a fine of £100, or one or other of such punishments.' *Ibid.*, p.45.

with the situation. Consequently, a new set of instructions were issued designed primarily for the benefit of those new to the administration of martial law, and once again they were formulated by Trotter. His new circular began with an explanation of what martial law was in a legal sense, and he was careful to explain that acts done under martial law required to be indemnified afterwards to protect those who administered it as these acts were illegal. The rest of the circular virtually repeated the two earlier sets of instructions, and the whole exercise was designed to bring some uniformity into martial law administration and thus avoid friction with the civil authorities.<sup>105</sup>

As in earlier attempts to secure uniformity theory diverged from practice and a host of complaints were sent to Cape Town. Although a determined effort had been made to reduce tension by regularizing the contentious aspects of martial law - that is those regulations open to wide definition - it had failed to take into account human fallibility. There were numerous examples of commandants abusing the powers given them under martial law, and many of the complaints echoed those made during the first invasion. Often, commandants acted to suit their own ends and prejudices, and with the extension of martial law throughout the whole colony, the volume of complaints grew accordingly.

At Stellenbosch, for example, the local commandant called MacDonald told Merriman's wife that he intended to arrest Afrikaner politicians, such as Te Water and Cronwright-Schreiner, not for any particular reason, but for their 'tone and ulterior meaning.'<sup>106</sup> In August 1901, a certain Dr. Reinecke was deported from Ceres to Malmesbury - fifty miles away - on a vague charge of breaching regulations designed to secure public order and peace. Not long after 22 leading Afrikaners suffered the same fate.<sup>107</sup> Kitchener blamed these occurrences on the poor calibre of the men employed, stating most were Colonials recruited by General Brabant, the commander of the Cape forces.<sup>108</sup> But, owing to the nature of the guerilla war and the ever present threat of

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<sup>105</sup> 8 Feb 1901, Cd.981, pp.46-49.

<sup>106</sup> Lewsen, *Merriman. Paradoxical Statesman*, pp.234-235. John X. Merriman himself was arrested in August 1901 by MacDonald's successor Major Potts and confined to his property for three days. His travel pass for outside the district was not returned until 6 Sept. *Ibid.*, p.247

<sup>107</sup> F. Mackarness, *Lifting the Veil in Cape Colony* (London, 1902), pp.5-7.

<sup>108</sup> Kitchener to Hely-Hutchinson, 4 Sept. 1901, CO 48/554/f.200. Captain Fraser, who arrested Reinecke, was Australian. For other examples of the idiosyncracies of local commandants see Le May, p.116.

rebellion, no regulations or guidelines could ever legislate for every given situation, which left greater scope for individual interpretation.

A major attempt was made to remedy this situation when, on 1 May 1901, a detailed set of instructions were issued by the Deputy Assistant Adjutant General, Captain Cockerill. These instructions were designed 'to secure uniformity in the administration of Martial Law in Cape Colony [and] are to be strictly complied with.' Unlike other instructions, these actually came with a set of regulations. Obviously some note had been taken of the more contentious aspects of martial law administration, where the commandant's regulations often reflected his personal prejudices: Cockerill therefore attempted to remove the personal element. Even so, the main problem remained - no pre-written regulations could ever legislate fully for unforeseen circumstances or personal prejudice, as the examples mentioned earlier indicate. In fact Regulation No.10 dealing with seditious language remained much the same as the instructions issued in December 1900. Like them, Cockerill's instructions also allowed the possibility of a wide definition of 'seditious language', with all its attendant troubles. In areas of high tension the slightest remark could inflame opinion, a remark that would be ignored in areas not directly under threat. Despite the good intentions of the pamphlet, a degree of latitude remained that could endanger the relationship between civilians and the army.<sup>109</sup> However, the officials at the Colonial Office were impressed by Cockerill's efforts. Cox said:

It is an instructive object lesson on the "barbarity" of our proceedings. The system seems to have been excellently arranged.<sup>110</sup>

In December 1901 a fundamental reorganisation took place in another attempt to bring uniformity into martial law proceedings. This time the district commandants were removed and magistrates took their place. The magistrates were then overseen by a military Administrator of Martial Law, who commanded an area comprising a number of districts and had the power to create regulations. Although the main aim of this reorganisation was to produce a better form of administration, it may also have been a device to control the magistrates.

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<sup>109</sup> Pamphlet by Capt. Cockerill, 1 May 1901, CO 48/552/f.682-711. A second edition was published on 21 Aug 1901 (Cd.981, pp.99-109) which embodied six circulars issued after 1 May. These dealt with various aspects such as prisoners on parole and payment for animals.

<sup>110</sup> CO Minutes, 20 June 1901, CO 48/552/f.679.

By bringing in magistrates to administer virtually every aspect of martial law, the military were granting them greater responsibility. Thus the reorganisation can be seen as a ploy to share the burden of administration and also deflect civilian criticism. If the magistrate was seen as the public face of martial law administration not only would it engender confidence amongst the locals, it would also weaken the division implicit between the civil and military authorities. The military were not so much seeking to control magistrates, as to absorb them into the administration process.<sup>111</sup>

The Attorney-General's office in Cape Town apparently realised the implications inherent in the new organisation. Magistrates were informed in a circular that the military were only borrowing their services:

But you remain at the same time the representative of the Civil Government as fully as before; and the responsibility entailed by that position is undiminished; you are still the Civil head of your district and as such bound to pay careful attention to its economic and social conditions, and to draw attention to all matters of importance occurring within it.<sup>112</sup>

Thus, the prospect of a magistrate becoming an adjunct of the military concerned the Cape government. They had unwittingly agreed earlier to make the magistrate a 'deputy' and had found it difficult to argue for the magistrate's independence. Now they impressed on magistrates the need not to surrender any vestiges of autonomy to the military.

As mentioned earlier the continual efforts of the military to introduce uniformity into the administration of martial law were designed not only to enhance the efficiency of martial law administration and to lessen its contentious aspects, but also to reduce civilian interference. These efforts though were nearly always undermined by civilian reluctance to allow the army the freedom to tackle the varying conditions of guerilla warfare. In February 1902, a dispute arose over the commandeering of animals which exemplified the problems faced in Cape Colony.

On 17 February 1902, Sprigg's government addressed a lengthy minute to the Governor, which was then passed on to the military authorities. Ministers complained about commandeering and the order given to farmers to drive their stock to the nearest

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<sup>111</sup> *Martial Law Administration*, Captain Cockerill, 1 Dec 1901, Cd.981. pp.116-117.

<sup>112</sup> 19 Dec 1901, WO 32/8130.

town on the approach of the Boers, and also against the army's employment of Blacks.<sup>113</sup>

This brought a stinging response from Kitchener which emphasised the frustration felt by the military for the way in which the civil authorities hampered the administration of martial law. Kitchener was annoyed at the tone of the minutes and especially at the 'grudging assistance' offered by the Colonial authorities:

It is the fixed determination of the Boers that, when driven by force of arms from the Republics they will enter the Cape Colony, and it is to be prepared for such an emergency and to prevent destruction of property that the Martial Law Regulations complained of are formed.<sup>114</sup>

Kitchener's outburst revealed how the Cape government had exasperated the military authorities by continually complaining about the administration of martial law. In fact, by 1902, Kitchener had accumulated a great deal of antipathy towards Sprigg's government after a series of disputes which had threatened to undermine the whole war effort.

## II

In 1901, the clash between the conflicting demands of civil and military power reached the highest levels of government - both British and Colonial. This section will outline the progressive decline in relations between the Cape government and the military, and will also show how the imperial government became steadily embroiled as well, first to restrain the military and secondly, to ensure that Kitchener was able to concentrate on clearing Cape Colony without undue hinderance from the Cape authorities. He would then be able to implement Milner's schemes discussed in Chapter Four. Four major disputes are examined: first, the differences over the power and authority of military courts following the end of the Special Tribunal; second, the treatment of rebels; third the row over martial law administration; and lastly, the crisis regarding the extension of martial law to the ports.

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<sup>113</sup> Ministers to Hely-Hutchinson, 17 Feb 1902; Hely-Hutchinson to Kitchener and Settle, 19 Feb 1902; also Hely-Hutchinson to Settle, 21/22 Feb 1902, CO 48/558/ff.696-699, 694-695, 729-731, 732-736.

<sup>114</sup> Kitchener to Hely-Hutchinson, 25 Feb 1902, CO 48/559/ff.92-93.

The Special Tribunal had been established to try those who had committed treason or crimes of a political nature in the six months both before and after the promulgation of the Indemnity and Special Tribunal Act, passed on 12 October 1900:<sup>115</sup> the Special Tribunal would consequently expire on 12 April 1901, after which it was to have no effect. But following the second invasion, when rebels were captured or surrendered in numbers, confusion reigned as to how they would be tried. As early as 15 January, Kitchener informed Milner that men from Myburgh's rebel commando wanted to know what terms would be offered if they wished to surrender.<sup>116</sup> The Cape government commented that as the Special Tribunal was still sitting they ought to be tried under its provisions, and quoted Clause eight of the Indemnity and Special Tribunal act to this effect. Clause 8 stated that the Special Tribunal would try cases of high treason for six months after the promulgation of the act. Ominously, ministers added that after the end of six months rebels would then be liable to trial by the ordinary tribunals of the Colony, thus facing penalties under the ordinary law including death, something the Special Tribunal could inflict, but was not specifically designed to do so. Its purpose was to induce rebels to surrender with an offer of leniency, and with the prospect of severer treatment if they did not.<sup>117</sup> The problem here was that the Special Tribunal was essentially a peacetime court designed primarily to try rebels who were no longer under the jurisdiction of martial law. Its job was to ensure that Cape Colony became settled and that former rebels were absorbed into the life of the Colony, having been punished quickly with no time to harbour grudges. At the Colonial Office this point was quickly realised. Ommanney wrote that rebels surrendering now ought to be dealt with summarily by martial law courts, as martial law had been proclaimed. Lambert answered:

Yes, no doubt in theory they might suffer any penalties at the hands of the military which military necessity might dictate. But in practice there are great difficulties in inflicting many such penalties; the death penalty is not considered permissible and no sentence of imprisonment imposed by a Court-Martial avails beyond the period of martial law. As a matter of fact the number of persons punished by Courts-Martial during the former

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<sup>115</sup> See above, pp.239-240.

<sup>116</sup> Kitchener to Milner, 15 Jan 1901, CO 48/551/f.187.

<sup>117</sup> Ministers to Hely-Hutchinson, 15 Jan 1901, *Ibid.*, f.188.

invasion was very small indeed compared to the number of rebels. The end of martial law it is said is not punishment but the suppression of rebellion.

Ommanney decided the situation was unsatisfactory but preferred to wait until cases arose.<sup>118</sup>

The widespread nature of the guerilla war made the punishment of rebels a difficult question. If Lambert was correct in saying that martial law was not designed to punish but suppress then one of the major deterrent effects of the procedure would have been lost. Harsh punishment for those who committed heinous crimes whilst in rebellion was considered the only fit solution to deter future offenders.

On 2 March 1901 the first execution of a Cape citizen took place under the auspices of martial law. An Afrikaner named van Heerden allowed his property to be used during an ambush of a British military party, who were all severely wounded. Van Heerden was captured by the local column commander, Colonel Gorrington, who quickly established a Court-Martial, comprising four officers, three of whom belonged to the Cape Defence Forces. Van Heerden was condemned to death and shot straight after.<sup>119</sup> Three days later, three Cape citizens were executed at De Aar for high treason, robbery and murder. As martial law had been proclaimed the military were entitled to punish rebels deemed to have endangered the lives of British servicemen, or to have committed gross criminal acts. By now the rebellion had grown to alarming proportions, and more rebels had been captured; but to proceed under martial law clashed with the supposed authority of the Special Tribunal.<sup>120</sup> Kitchener became concerned lest the conflict over judicial authority should undermine the value of martial law. He was prepared to let civil courts carry on as normal, but properly constituted Courts-Martial, following military law procedure, he decided, ought to deal with cases when military reasons necessitated such a course:

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<sup>118</sup> CO Minutes, 20 Feb 1901, *Ibid.*, f.184.

<sup>119</sup> In October 1902, the War Office exonerated Gorrington. Van Heerden was tried and executed on the same day - 2 March 1901. He was not brought before the Court-Martial, but his answers to questions on the same day were entered into the proceedings of the court. Brodrick considered 'substantial justice had been done.' The Colonial Office felt it would have been better to have shot Van Heerden out of hand, rather than hold a trial 'which was no trial.' CO 48/564/ff.115-126; CO Minutes, 16 Oct 1902 & WO to CO, 15 Oct 1902, CO 48/568/ff.631-634.

<sup>120</sup> There were no more executions until June, although military courts continued to operate and six offenders were given prison sentences ranging from 5-10 years penal servitude. Cd. 981 pp.125-134.



There is a great tendency amongst the civil authorities to deal with martial law as if it was a power given into their hands to wield, instead of being entirely in the hands of the GOC and this is being done in Cape Colony, where to my mind very irregular courts are formed under martial law of civilians and officers mixed and in which the regular procedure of Courts-Martial is omitted.

Kitchener added that as this had been arranged by Milner and the Cape government he had not interfered, 'but it does not seem to me a proper manner to use martial law when it is declared for military reasons in a country.'<sup>121</sup>

Kitchener's exact meaning is unclear. No civilians ever sat on a military court and one can guess that he referred either to magistrates trying minor cases, such as breaches of martial law regulations, or that he referred to the continual operation of the Special Tribunal, which was trying cases that should have gone to a military court. Having the two systems operating at the same time, therefore, might have been the main reason behind Kitchener's complaint. Perhaps it was just Kitchener's method of getting his own way, to reduce another form of civilian interference in military business; to exaggerate a problem and make his solution seem the most beneficial.

The whole situation came to a head just after the Special Tribunal expired. On 14 April, Kitchener was involved in a series of telephone calls with Milner after he had heard some disturbing news from General Settle, who had replaced Forestier-Walker in February. It transpired that the Attorney-General had issued a circular on 6 April informing magistrates that once the Special Tribunal expired the following week, acts of treason and rebellion were to be dealt with by the ordinary courts. Settle told Kitchener:

...this is a grave omission, and notice as it stands is in no way deterrent, as rebels will only know that they are safe in hands of Dutch juries...

And because the rebellion was spreading and the number of rebels increasing:

Prompt punishment is necessary for serious crimes, and this can only be met in present state of affairs by Military Courts.<sup>122</sup>

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<sup>121</sup> Kitchener to Brodrick, 29 March 1901, KP 22/Y38. Brodrick felt that imprisoning rebels was not important: exiling them was better in order to prevent them living 'check by jowl' with loyalists. Brodrick to Kitchener, 4 April 1901, KP 22/Y39.

<sup>122</sup> Kitchener to Milner, 14 April 1901, by telephone where Settle to Kitchener, (tel.), 11 April 1901 was discussed. Also, Kitchener to Milner 14 April 1901, by telephone, discussing Settle to Kitchener, (tel.), 13 April 1901, in which Settle quotes local opinion, (an influential Bond member) in favour of trying rebels in a military court. All in WO 32/8139.

Kitchener explained to Milner that after discussing the matter with Solomon, who was now his legal adviser, he believed that anyone who joined the rebels after 12 April should be tried by Court-Martial in martial law districts.<sup>123</sup> Milner cautioned against this until after consultations with the Cape government 'in order that appearance of conflict between civil and military may be avoided.' Milner wanted minor crimes tried by civil courts, leaving the military courts free to deal with those caught in arms, or assisting the enemy. But the time had now come 'when we should not hesitate to inflict the death penalty for clear acts of rebellion.'<sup>124</sup>

The Cape government, however, was not entirely convinced by Milner's arguments. They did not believe a 'calm judicial atmosphere' could be found in military courts, although they did recognise they were necessary for prompt action when the safety of the state was at stake. Ministers wanted the accused to have a 'full and fair trial' and only those charged with bearing arms or committing treacherous acts (among others), should face trial by Court-Martial. The court had to be properly constituted, by experienced officers, and would make use of the services of a magistrate. Where possible the accused could cross examine witnesses; and everything was to be recorded for Kitchener's confirmation. Only when these conditions had been fulfilled would the government accede to Kitchener's wishes.<sup>125</sup> Kitchener agreed and on 23 April 1901, a notice was published in the government *Gazette* explaining that any rebels charged with bearing arms, or helping the enemy, or directly inciting others to do so, would be liable to trial by Court-Martial and 'liable to the severest penalties of the law.'<sup>126</sup>

The Colonial Office remained uncertain regarding the status of sentences once martial law had ceased. Consequently on 19 April they addressed the War Office on the

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<sup>123</sup> Kitchener to Milner, 14 April 1901, *Ibid.*

<sup>124</sup> Milner to Kitchener, 14 April 1901, *Ibid.* Kitchener informed Hely-Hutchinson the same day of his and Milner's decisions. Kitchener to Hely-Hutchinson, (tel.), 14 April 1901, CO 48/552/ff.223-224.

<sup>125</sup> Hely-Hutchinson to Kitchener, (tel.), 17 April 1901, CO 48/552/ff.225-228.

<sup>126</sup> Kitchener to Hely-Hutchinson, (tel.), 18 April 1901, in this the notice was sent in for government approval. It was approved on 20 April, *Ibid.*, ff.229-230.

matter.<sup>127</sup> The DJAG returned his opinion on 28 May, in which Brodrick concurred. The DJAG argued that as everything done under martial law was in fact legal, then sentences would continue after martial law and after a peace treaty had been signed. The DJAG explained that the use of martial law was a royal prerogative exercised through the Commander-in-Chief or Governor. In South Africa the accused had been given every right under the procedure of an ordinary Court-Martial: in fact the proclamation of martial law was so regular a writ of *habeas corpus* would not be granted, 'as there had been no wrongful confinement, and there had been a violation of law as laid down by the Governor, in accordance with the accepted usages of war.' If all prisoners were to be released at the termination of martial law would not the Commander-in-Chief apply more vigorous measures beforehand? 'The will of the commander is the source of martial law and he might even decide to increase the application of the death sentence.'<sup>128</sup>

This opinion differed from one expressed by the Law Officers in 1878, as Cox explained in the Colonial Office minutes on the DJAG's letter. Therefore the opinion of the present day Law Officers was sought.<sup>129</sup> The Law Officers reported somewhat differently from the view expressed by the DJAG. They stated emphatically that persons imprisoned under martial law were entitled to release at the end, and that civil courts would have authority to order their release:

What is called martial law is only the temporary application of force by the Executive under a condition of affairs which renders necessary the abrogation of civil rights established by law, and when such condition of affairs is at an end parties heretofore affected by Martial Law are restored to their civil rights.

They concluded by stating that legislation was necessary for the continuation of sentences once Martial Law had ended.<sup>130</sup>

By rejecting the DJAG's report the Law Officers compelled the War Office to examine its own views as to procedure under martial law. General Nicholson, the

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<sup>127</sup> CO to WO, 19 April 1901, WO 32/8137. Cox mentioned the sentencing of one Auret, who was found guilty by a Field-General Court-Martial of joining and assisting the enemy. He was given 2 years imprisonment and a £2,100 fine, (or an extra year if he could not pay).

<sup>128</sup> WO to CO, 28 May 1901, including report by DJAG, 23 May 1901, CO 48/556/ff.547, 550-552.

<sup>129</sup> CO Minutes, 1 June 1901, *Ibid.*, f.547. CO to LO, 21 June 1901, WO 32/8140.

<sup>130</sup> LO Report, 6 July 1901, WO 32/8141.

Director-General of Military Intelligence, asked his predecessor, General Ardagh, on 15 July to review the problem. Ardagh favoured the opinion of the Law Officers saying that tribunals under martial law, no matter how correct their proceedings, were not legal under English law. They were only:

a formal and systematic method of employing force for the repression of disorder and the safeguarding of public interests against acts of violence and treason by rebels and enemies.

Therefore sentences given by these courts were illegal, and were only legalised by a subsequent act of indemnity or by a statutory court. Nor did Ardagh agree with the view that martial law was the will of the commander. He argued this was a misconception of Wellington's opinion which referred to a commander operating in a foreign country. Ardagh explained that ordinary courts would not tolerate any excess in the administration of martial law and would punish those who exceeded their powers. Ardagh felt that using the virtually interchangeable titles of 'military courts' or 'Courts-Martial' added to the confusion because they were associated with the legal tribunals convened under military law:

The great majority of our officers have the idea that a Court-Martial under martial law is a legal court, and that its decisions have the same force as a statutory Court-Martial under the Army Act. This leads to confusion of thought and an entire misconception of what martial law means.<sup>131</sup>

General Wood, the Adjutant-General, thought Ardagh was wrong but offered no reason why he thought so. It is likely he assumed martial law ought to facilitate what he thought instinctively was justified. Wood thought that deporting prisoners to St. Helena, Bermuda or Ceylon would ensure their punishments continued after martial law was abrogated, especially as these men 'richly merit severe punishment.' Nicholson remarked that the British government would accept the Law Officers views as it was desirable to get an act to indemnify officers and also to confirm sentences passed in the Cape and Natal.<sup>132</sup>

Nicholson inferred the British government did not like the thought of the Colonial authorities refusing to pass the necessary legislation and having to do this themselves. Of

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<sup>131</sup> Report by Ardagh, 18 July 1901, WO 32/8140.

<sup>132</sup> WO Minutes, 2 & 7 Aug 1901, WO 32/8141.

course he was correct; this was the last thing the Colonial Office wished to happen, considering the political difficulties inherent in such a course. Nicholson realised also that if martial law prisoners were deported, as Wood suggested, a writ of *habeas corpus* could be served at a place of deportation, which meant prisoners would probably be freed. It was decided therefore that once martial law ended, or preferably beforehand, it would be advisable to get the Colonial government to pass legislation confirming martial law sentences.

Of course, Colonial compliance depended largely on the local government having good relations with the military. However, just after the dispute over the authority of military courts was resolved, differences also arose over the treatment of rebels, highlighting the opposing views of the army and the Cape government, as well as the difficulties of the British government as it attempted to settle the dispute. Moreover, this dispute also reveals the influence of the Cape situation on wider issues then being discussed by Milner, the British government and Kitchener.

On 13 June 1901, Kitchener informed Brodrick that a number of rebels had actually been captured on commando; he wanted to know that if death sentences were awarded after trial would the government agree to his confirming some sentences in order to make examples.<sup>133</sup> Evidently, some thirty rebels had been captured. Several had been tried, and seven were already sentenced to death; furthermore, another fourteen sentences were on their way to Kitchener for confirmation. In addition, Kitchener explained that captured rebels believed that sentences of imprisonment would not hold good once martial law ended, so they were not acting as a deterrent. Consequently, Kitchener wanted severity to prevent others from joining the rebels.<sup>134</sup>

Kitchener's requests were discussed immediately by the Cabinet, and ministers agreed to have the worst offenders executed.<sup>135</sup> The British authorities were clearly exasperated with the situation in Cape Colony. The rebellion and elusiveness of the commandos was preventing the British from being able to run down the war effort, and

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<sup>133</sup> Kitchener to Brodrick, (tel.), 13 June 1901, CO 48/568/f.617/No.550.

<sup>134</sup> Kitchener to Brodrick, (tel.), 14 June 1901, *Ibid.*, No.552; c.14 June 1901, KP 22/Y61. General French, who held the seven prisoners sentenced to death, stated that the military situation demanded severity. Kitchener to Brodrick, (tel.), 16 June 1901, CO 48/568/f.617/No.554.

<sup>135</sup> Salisbury to the King, 14 June 1901, CAB 41/26/13.

concentrate against the commandos in the former republics. It was now time to deal harshly with rebellion, but as Brodrick explained, Kitchener should only execute a selected few, those who had committed outrages or attacked the army or communications in some way.<sup>136</sup>

Surprisingly, in July Kitchener, after consulting General French at Middelburg, decided to alter his policy towards rebels. This revealed, once again, Kitchener's muddled view of dealing with the Boers and their rebel allies. In June he had wanted to make examples and demonstrate British severity, now he wanted to temper this by emphasising British magnanimity. It was also a measure of Kitchener's frustration with the war in Cape Colony that he should try opposing expedients at the same time. And it was a change of position which brought him into conflict with both London and Cape Town.

Kitchener told Brodrick that whilst visiting French, he had spoken to Mr. de Waal of the Afrikaner Bond. Kitchener was told that while severity might act as a deterrent, it did not act as an inducement to surrender. Consequently, as a measure of leniency, Kitchener decided to inform rebels that if they surrendered voluntarily before 1 September 1901, they would only receive imprisonment for one year. Those that did not surrender before then could expect the severest treatment. Brodrick, however, was sceptical and ordered Kitchener not to proceed until he had heard from Chamberlain.<sup>137</sup> Kitchener responded promptly and stopped the promulgation of the order. In confirming the cancellation, however, Kitchener wondered if Chamberlain objected to any leniency towards rebels and warned, 'If this is not allowed, I fear we shall have a very long and difficult task in the Cape Colony. General French was also of the same opinion.'<sup>138</sup> Moreover, Kitchener stressed that the military had to resort to expedients in Cape Colony because the enemy knew it was the British weak spot. 'If Cape Colony goes on in its present state the reduction of troops as proposed will be impossible.'<sup>139</sup> Kitchener was

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<sup>136</sup> Brodrick to Kitchener, (tel.), 17 June 1901, CO 48/568/f.617/No.555. Milner also favoured shooting rebels. Milner to Chamberlain, 16 July 1901, JC 13/1/160. In June only 6 rebels were executed. Cd.981, p.126.

<sup>137</sup> Kitchener to Brodrick; Brodrick to Kitchener, 18 July 1901, WO 32/8012.

<sup>138</sup> Kitchener to Brodrick, (tel.), 19 July 1901, CO 48/553/ff.401-402.

<sup>139</sup> Kitchener to Brodrick, 19 July 1901, KP 22/Y74.

trying to shift responsibility for dealing with the rebels on to the civilian authorities, and to make sure they realised the consequences if they refused to back him.

Ministers, however, remained reluctant to back Kitchener. Chamberlain was prepared to be lenient, but wished first to consult the Colonial governments and Hely-Hutchinson.<sup>140</sup> Brodrick reminded Kitchener, 'how far the problem between leniency and severity is from being an exact science.'<sup>141</sup> Kitchener informed Hely-Hutchinson of his order to French and explained the reason behind his decision, and why he had not consulted the civil authorities. Essentially, Kitchener felt that the order was a military matter because it dealt with rebels who would eventually come before military courts on charges of treason. Kitchener could then use his discretionary powers to confirm or reduce sentences to fit the case: that is, he would alter or confirm the decisions of military courts in order to show leniency towards those who surrendered voluntarily. Therefore, he could not see how his order bound the British government.<sup>142</sup> Despite this plea, Kitchener's views were not acceptable to the Cape government or the Governor. Although Hely-Hutchinson sympathised with the general idea behind Kitchener's policy, he felt that Kitchener had approached the problem incorrectly. It seemed Kitchener was 'offering a fresh set of terms which might be understood as indicating hesitancy, and that the announcement as to 1st September would therefore be regarded by many as a mere *brutum fulmen* and would fail of effect.'<sup>143</sup> As it was, the Cape government refused to endorse Kitchener's policy and insisted that the note issued on 22 April be adhered to.<sup>144</sup>

Kitchener was disappointed by the attitude of all the political authorities. Chamberlain had told him that the order to French had a political effect, 'in view of severe sentences in the past, and necessity of confirming Court-Martial proceedings by legislation in the future.' Chamberlain was concerned that the order neither exempted

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<sup>140</sup> Chamberlain to Kitchener, (tel.), 19 July 1901, CO 48/556/f.614. Chamberlain actually telegraphed. 'I am quite prepared to, etc., with regard to rebels.'

<sup>141</sup> Brodrick to Kitchener, 20 July 1901, KP 22/Y75.

<sup>142</sup> Kitchener to Hely-Hutchinson, (tel.), 20 July 1901, CO 48/553/ff.404-405. Kitchener actually wanted Hely-Hutchinson's opinion of his answer to Chamberlain of 20 July 1901.

<sup>143</sup> Hely-Hutchinson to Kitchener, (tel.), 21 July 1901, *Ibid.*, f.406.

<sup>144</sup> Ministers to Hely-Hutchinson, 22 July 1901, *Ibid.*, f.403.

Natal rebels who would be dealt with separately; nor those 'guilty of acts contrary to uses of war.'<sup>145</sup>

For Kitchener, these objections seemed almost incomprehensible. He told Hely-Hutchinson that he and French hoped to shorten the war and save the imperial government large sums of money.<sup>146</sup> To Chamberlain, Kitchener explained that any omission about rebels who committed grave offences could easily have been remedied; and as French was issuing the order it could only apply to Cape Colony anyway.<sup>147</sup> In a detailed account of the controversy to Brodrick, Kitchener was more forthright. Once more Kitchener had failed to end the war quickly and, once again, it was because of the war in the Cape. He had been thwarted after his talks with Botha because the government said they did not want to upset the loyalists. Consequently, Kitchener's patience with Sprigg's ministry was wearing thin. He could not understand why ministers had disagreed with his proposals; he had wanted to inflict no more than one year's imprisonment on rebels and this was more severe than some of the sentences handed out in Cape courts, so how could that be lenient? Nor could he see how the matter was political as Chamberlain suggested. Kitchener added:

We tried to the best of our endeavours to use the powers given us under martial law to bring about the end of the war, and it seems to me a grave responsibility to stay the hands of the military authorities on the spot for some political reason.

Kitchener felt that Cape officials were reluctant to end the war: 'they have got their hands well into the Imperial money bags.' He said if he was restricted in this way, then the war in Cape Colony would not end quickly. And, in that case, it would be impossible for him to reduce troop numbers and cut back expenditure.<sup>148</sup>

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<sup>145</sup> Chamberlain to Kitchener, (tel.), 21 July 1901, CO 48/556/f.614.

<sup>146</sup> Kitchener to Hely-Hutchinson, (tel.), 23 July 1901, CO 48/553/f.411.

<sup>147</sup> Kitchener to Chamberlain, (tel.), 24 July 1901, CO 48/556/f.615.

<sup>148</sup> Kitchener to Brodrick, 26 July 1901, KP 22/Y77. On seeing this Chamberlain defended his decision by saying he did not think rebels would surrender; nor could he authorise the severe punishments of all rebels after 1 September. It would 'only make ourselves ridiculous by threatening what we could not perform. I am afraid Lord Kitchener attaches too much importance to "bluff", but it is a very dangerous game when you do not hold the cards.' Chamberlain to Brodrick, 20 Aug 1901, JC 11/8/40.



As if in retaliation for Kitchener's less than effusive remarks about their conduct, Cape ministers directly challenged the army's administration of martial law. Although the Colonial Office had applauded Cockerill's attempts to lessen the impact of martial law, the Cape government remained critical of the army's administration of martial law. On 28 August 1901, Hely-Hutchinson sent Kitchener a series of complaints compiled by Innes. These ranged from the forcible conscription of locals into Town guards, imprisonment of suspects without trial, and severe requisitioning. Innes wanted stricter control of commandants, and, if possible, the appointment of experienced magistrates as commandants in certain districts.<sup>149</sup> Innes also telegraphed to Solomon in Pretoria, drawing his attention to the case of several men from Paarl having been detained without trial. The Cape Supreme Court was taking an interest in the matter, and Innes said he would try and stop men arrested under martial law from being confined in ordinary prisons; he was clearly concerned that this would give the Supreme Court a reason for intervention. Innes was particularly annoyed at the fact that most men were held on suspicion 'based upon statement of intelligence agent to intelligence Officer. We know the kind of agents employed, and we know how prejudiced and injudicious many local intelligence officers are.'<sup>150</sup>

General Wynne, the GOC(Cape District), took umbrage at this and complained to Kitchener that although there were some irregularities, he would deal with them. Apart from complaining about Innes going behind his back by writing to Solomon, Wynne argued that while it was necessary to prevent abuse of power by commandants, it was equally necessary to prevent Innes controlling the administration of martial law through reports and complaints forwarded by magistrates.<sup>151</sup>

Kitchener agreed with Wynne. In his reply to Hely-Hutchinson's note of 28 August, Kitchener had already stated that it was difficult to determine what constituted 'a reasonable time' for suspects to be remanded. One advantage of martial law he

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<sup>149</sup> Innes to Hely-Hutchinson, 27 Aug 1901; CO 48/553/ff.1016-1020. Hely-Hutchinson to Kitchener, 28 Aug 1901, *Ibid.*, f.1014. The loyalist South African Vigilance Committee also sent in similar complaints to Milner. CO 48/554/f.33; Le May, pp.116-117.

<sup>150</sup> Innes to Solomon, (tel.), 7 Sept 1901, CO 48/554/ff.206-207. The magistrate at Worcester reported that 4 men who refused to join the Town Guard had been imprisoned. Although he had little sympathy for them, this action was causing widespread unrest amongst locals. *Ibid.*, f.210.

<sup>151</sup> Wynne to Kitchener, 8 Sept 1901, *Ibid.*, f.217.

explained, 'is to enable suspected persons to be arrested without laying sworn information against them.' If Innes had any problems Kitchener expected him to address General Wynne first.<sup>152</sup>

The row between Wynne and Innes centred on who had the last say in the administration of martial law. Wynne refused to act on any complaints sent in by magistrates, 'seeing that the Magistrates are the deputies to the commandants,' and wanted Innes to discourage these reports.<sup>153</sup> Innes defended his view that the magistrates should send in reports on commandants whom they believed had overstepped their authority. But Innes was clearly uneasy; his use of the term 'deputy' was now being used against him to good effect by Wynne. Innes was forced on to the defensive: he said magistrates were only deputies in a limited sense, they had been loaned by the civil authorities to help the administration of martial law. In effect, the civil officer was independent of the commandant and beholden only to his political superiors.<sup>154</sup>

Wynne, on the other hand, felt it was the right of the military to administer martial law without undue interference, and that in a war situation this was an absolute necessity. He said as much to Hely-Hutchinson:

The Military Officer responsible for administering Martial Law in each district must of necessity be supreme...it is not right that his orders or the manner in which he performs his duties should be subject to the criticism of the Magistrate who acts as his Deputy but in no way shares his responsibilities.

He said Innes's complaints were 'exaggerated and highly coloured;' nor could he find any evidence that any commandant had overstepped his authority. The Colonial Office thought Wynne's answer 'a very good one.'<sup>155</sup> So did Kitchener and Solomon. Solomon thought most complaints were exaggerated and told Kitchener that he had found this when

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<sup>152</sup> Kitchener to Wynne, 9 Sept 1901, *Ibid.*, f.218; Kitchener to Hely-Hutchinson, 4 Sept 1901, CO 48/554/ff.198-199.

<sup>153</sup> Wynne to Innes, 12 Sept 1901, WO 32/8128. Wynne refused to act on a report from the magistrate of Clanwilliam, who complained that the local commandant, Captain Fryer, was buying horses from farmers at low prices. At the time farmers in districts threatened by the Boers had to move their livestock to areas that were deemed safe.

<sup>154</sup> Innes to Wynne, 14 Sept 1901, *Ibid.*

<sup>155</sup> Wynne to Hely-Hutchinson, 17 Sept 1901, CO Minutes, 14 Oct 1901, CO 48/554/ff.560-573, 545.

he was Attorney-General.<sup>156</sup> Innes, however, continued to argue that the sole responsibility for maintaining martial law rested with the government. Despite this stand on high principle, Innes could not make Wynne budge. Wynne retorted that of some 194 prisoners in Cape Colony, up to 31 August, only 29 were held on indefinite charge. He also remarked to Hely-Hutchinson that if Innes wanted to make complaints, 'he should adopt a method less calculated to create mischief and bring the administration of martial law into contempt.'<sup>157</sup> With both officials unwilling to compromise the dispute petered out. However, the row between Wynne and Innes could not have come at a worse time for Kitchener because he was pressing the Cape government for the extension of martial law to the Cape ports, and Cape Town in particular.

Although the heated row which developed between Kitchener and the Cape government over this extension has been well covered,<sup>158</sup> analysis of the dispute has been limited to the local difficulties, and its wider ramifications have been overlooked. The interest of the British government in this dispute related to its own ongoing problems with Kitchener over the change of military policy in South Africa, which he had been ordered to implement in June, following Milner's visit to London.<sup>159</sup> What began as a local dispute ended with all the British and Colonial authorities - civil and military - involved.

As early as January 1901, the local command had appealed for this extension of martial law to Milner. They believed that recruits for the commandos were passing through the ports on their way into the interior. In the end, the army's request was denied and the Cape ports were not included in the general proclamation as the government considered they had enough authority to deal with undesirables who might come ashore.<sup>160</sup>

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<sup>156</sup> Kitchener to Wynne, (tel.), 24 Sept 1901, *Ibid.*, f.700.

<sup>157</sup> Wynne to Hely-Hutchinson, 26 Sept 1901, CO 48/554/ff.706-709.

<sup>158</sup> Le May, pp.114-121.

<sup>159</sup> Chapter Four, Section III onwards.

<sup>160</sup> Forestier-Walker to Milner, 11 Jan 1901, inc. memos by Colonels Cooper & Morris (11 & 10 Jan); Sprigg to Milner, 14 Jan 1901, CO 48/551/ff.167-169, 171-172.

On 18 July 1901, Kitchener himself asked the Cape government to extend martial law. The Colonial Office realised, however, that the army's request might provoke Sprigg: Lambert noted, 'At present the seat of Govt. at Cape Town is free from martial law & the Colonial Govt. has at least the appearance of freedom from military direction.'<sup>161</sup> This was the obvious problem; the Cape government felt unable to surrender the last vestiges of its authority. If Cape Town was given up to martial law, the government would become merely an appendage of army rule, and Cape Colony would fall under military dictatorship. If the army was given a completely free rein a general uprising was certain. Innes later wrote:

I held a strong view that this was not practicable. When once Martial Law exists the will of the Military must prevail; they may consult me, but there is nothing to compel them to take one's advice.<sup>162</sup>

The concern of the British government became more intense after Brodrick learnt from the Admiralty that Union Castle steamers were conveying known 'undesirables' to Cape Town. Brodrick therefore asked Kitchener about how much control he exercised over this process.<sup>163</sup> Kitchener replied that as the ports were not under martial law he was unable to do anything about it.<sup>164</sup> Both Chamberlain and Milner were aware of this problem.<sup>165</sup> Milner was informed of the problem directly by General Nicholson. To Nicholson's question, 'what action do you think His Majesty's Government should take?'<sup>166</sup> Milner replied immediately that the extension of martial law was a necessity and said he would urge it on the Cape government through the Governor.<sup>167</sup> Milner's reasons for backing Kitchener are not hard to fathom. He had just persuaded the British

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<sup>161</sup> Kitchener to Hely-Hutchinson, (tel.), 18 July 1901; CO Minutes, 13 Aug 1901, CO 48/553/f.432-433, 429.

<sup>162</sup> Innes to Wife, 16 Sept 1901, in H.M. Wright (ed.), *Sir James Rose Innes. Selected Correspondence* (Cape Town, 1972), p.299.

<sup>163</sup> Brodrick to Kitchener, (tel.), 7 Aug 1901, CO 48/556/f.596.

<sup>164</sup> Kitchener to Brodrick, (tel.), 12 Aug 1901, *Ibid.*, f.597.

<sup>165</sup> Chamberlain to Hely-Hutchinson, 9 Aug 1901, WO 32/8115.

<sup>166</sup> Nicholson to Milner, (tel.), c.13 Aug 1901, CO 48/556/f.598.

<sup>167</sup> The telegram to Nicholson was actually sent by Consul Bell in Madeira, where Milner had received Nicholson's telegram. Bell to Nicholson, 14 Aug 1901, *Ibid.*, f.599.

government to implement his policy in South Africa in preference to Kitchener's.<sup>168</sup> Now he wanted nothing to prevent Kitchener from finishing the war in the Cape because he knew the sooner Kitchener achieved this, the sooner he would be able to implement his own schemes in the two new colonies. Thus Milner wanted Kitchener to receive all the help he could get.

Chamberlain was also prepared to recommend the extension of martial law.<sup>169</sup> He and other British ministers were aware that until Kitchener cleared Cape Colony there would be no reductions in troops or costs, both of which the British government wanted. Kitchener realised this and seemed willing to involve the British authorities in his dispute with Sprigg. He told Brodrick how important it was to end the war in the Cape before any troop reductions could be made; however, his task was difficult 'as the Cape govt. give no help and will not allow martial law in Capetown and the ports, so as to prevent recruits joining.' Kitchener had sent Solomon to Cape Town to 'convert' Sprigg but he had failed; he wanted Milner to try but doubted he would succeed.<sup>170</sup> The important point here was what was not said but surely hinted, that it was now up to the British government to intervene and encourage Sprigg to extend martial law.

Imperial intervention, however, was difficult while the dispute between the army and the Cape ministry was at its height. Ministers had forwarded to Hely-Hutchinson another comprehensive set of complaints about the administration of martial law, including one from the loyalist Vigilance Committee and the South African League.<sup>171</sup> Hely-Hutchinson agreed that martial law ought to be extended, but after receiving these complaints preferred to see a restricted form applied to the ports, allowing the army only to arrest undesirables and to censor local publications. He had discussed this with Milner and Wynne, who were favourable, but required Kitchener's final approval.<sup>172</sup> Colonial

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<sup>168</sup> See Chapter 4 pp.159-163.

<sup>169</sup> Chamberlain to Hely-Hutchinson, 14 & 17 Aug 1901, WO 32/8116. On 24 Aug 1901, Chamberlain explained how alarmed Brodrick was, and that he too advocated extension. *Ibid.*, 24 Aug 1901, WO 32/8117.

<sup>170</sup> Kitchener to Brodrick, 23 Aug 1901, KP 22/Y80.

<sup>171</sup> Ministers to Hely-Hutchinson, 29 Aug 1901, CO 48/554/ff.28-31.

<sup>172</sup> Hely-Hutchinson to Chamberlain, (tel.), 31 Aug 1901, CO 48/553/f.1067; to Milner, 31 Aug 1901, in which he recommends restricted martial law. CO 48/554/f.41.

Office comments, however, reveal how the British authorities were beginning to move against Sprigg: Graham noted ‘...the Cape Ministers do not in my opinion look beyond their own noses. It may come to coercing them in the end.’ Chamberlain was equally forthright. He wanted Sprigg informed that the British government could not tolerate the lack of support from Sprigg’s ministry.<sup>173</sup> Moreover, Chamberlain revealed the sensitivity of the British government when he noted later:

my view is getting stronger that something ought to be done to meet the wishes of Lord K. & to prevent people saying that the leaders of the civil authorities are paralysing the hands of the soldiers.<sup>174</sup>

Chamberlain was clearly concerned that his critics should not be given any further ammunition. He wanted to ensure, therefore, that extraneous political considerations should not impede Kitchener who was, after all, supposedly carrying out ministerial instructions. This was in effect a *quid pro quo*; Kitchener should implement imperial policy, while imperial politicians would help him against Sprigg. And as Kitchener had agreed to a modified form of martial law in the Cape ports he appeared the more conciliatory of the two sides.<sup>175</sup>

In Britain, anti-Sprigg and pro-extension attitudes were becoming evident amongst soldiers and politicians alike. Lord Selborne favoured extension, believing the guerilla war would thereby be ‘stamped out’ in Cape Town and the ports. His antipathy toward Sprigg was clear:

It really is preposterous that after our immense sacrifices of men and treasure we should be blocked by the stupidity, conceit and timidity of Sprigg.<sup>176</sup>

Clearly, the apparent wilfulness of Sprigg seemed to undermine all that had been achieved in London during Milner’s visit in May and June. Similar opinions were voiced by officials at the War Office. The Permanent Under-Secretary, E. Ward, having recently

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<sup>173</sup> CO Minutes, 3 Sept 1901, CO 48/553/f.1066; Chamberlain was calmer when he asked for a summary of ministers’ objections. Chamberlain to Hely-Hutchinson, (tel.), 3 Sept 1901, WO 32/8117.

<sup>174</sup> CO Minutes, 17 Sept 1901, CO 48/547/f.671.

<sup>175</sup> Milner to Hely-Hutchinson; Kitchener to Hely-Hutchinson; Hely-Hutchinson to Ministers, 7 Sept 1901, (tels.), CO 48/554/ff.191-196.

<sup>176</sup> Selborne to Chamberlain, 8 Sept 1901, JC 11/32/11; Chamberlain acknowledged Selborne’s view but said Sprigg’s objections were valid. Chamberlain to Selborne, 10 Sept 1901, JC 11/32/12.

served in South Africa, believed Cape Town to be 'the centre of intrigue and sedition.' General Nicholson was convinced Cape ministers wanted to gain the benefits of a successful war but without offending the Afrikaners, 'who were largely responsible for the war taking place, and whose object has been to oust the British from South Africa.'<sup>177</sup> Thus the sensitivity of the British authorities, coupled with the desire to afford Kitchener the utmost support, prompted the British government to back the military on this issue, and to override any objections made against the military administration of martial law.

The Cape ministry nevertheless felt unable to sanction the extension of martial law. As far as Sprigg was concerned he had been offered opinions not facts, and felt that prevailing measures in the ports were sufficient to prevent the smuggling of arms and the publication of seditious material. Nor did he and his ministers believe that the military authorities would consult the civil as Kitchener promised if martial law was extended.<sup>178</sup>

Kitchener, however, rejected Sprigg's reasoning and emphasised his point once more. He told Brodrick that the obstructionism of Cape ministers was hurting the British government financially; they were prolonging the war by their intransigence and preventing the reduction of the 5/- a day men. Kitchener repeated again that until the situation had improved he could not reduce troops,<sup>179</sup> and, more belligerently, informed Hely-Hutchinson that if the Cape government did not modify its attitude he would impose a blockade around the ports.<sup>180</sup> The situation seemed to get out of hand when, on 15 September, Sprigg learned that Kitchener was to have non-military shipping diverted to Durban, a port which was under martial law.<sup>181</sup> This news only increased Sprigg's intransigence and indignation and he threatened to resign, which caused a minor panic in

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<sup>177</sup> WO Minutes, 9 Sept 1901, WO 32/8117.

<sup>178</sup> Ministers to Hely-Hutchinson, 10-13 Sept 1901, CO 48/554/ff.197, 340-346. Innes said he was not prepared to work martial law on even terms with the military, as one side had to be supreme.

<sup>179</sup> Kitchener to Brodrick, 13 Sept 1901, KP 22/Y85.

<sup>180</sup> Kitchener to Hely-Hutchinson, (tels.), 15 Sept 1901, CO 48/554/f.350, 352.

<sup>181</sup> ADC to PM, (tel.), 15 Sept 1901, CO 48/554/f.360. Kitchener's ADC was supposed to have sent the telegram to the military Post Master, not the Prime Minister. Whether Kitchener was actually behind this is not clear. He later explained that he wanted his own mail diverted to Durban. Kitchener to Brodrick, 20 Sept 1901, KP 22/Y88.

the Colonial Office.<sup>182</sup> Although Kitchener appeared to have gone too far, especially after his blockade threat, this new development enlivened a matter that was in danger of going cold because of Sprigg's obduracy. It brought the extension crisis to a head and revitalised British attempts to end the problem conclusively, particularly as it highlighted Kitchener's conviction that the extension of martial law was a military necessity. The whole issue had eroded Chamberlain's patience as much as Kitchener's, and he informed Hely-Hutchinson that the problem had to be resolved. He confirmed that Kitchener could not divert shipping without the express approval of the British government - which they would not give; but made plain his own exasperation and urged ministers to reconsider.<sup>183</sup>

Perhaps to mollify the outraged Cape ministry and appear, once again, the example of moderation, Kitchener provided specific information on Boer activities in Cape Town. He explained that the Boers in The Hague had sent letters informing their compatriots that ammunition would soon arrive; various commandos, such as Lotter's, were well supplied with ammunition which could only have come from the ports; spies in Cape Town were well known but without martial law could not be arrested easily.<sup>184</sup>

As a last resort, Sprigg and Innes met Kitchener and Milner in Johannesburg between 1 and 3 October 1901. Eventually a compromise solution was agreed: a modified form of martial law would be introduced in the ports and a martial law board would be established to hear complaints against the administration of martial law throughout the Colony. It was all rather an anti-climax considering the vitriol expended by the politicians and the soldiers. For their part, Cape ministers probably realised they had made their point. Rather than risk the possibility of dismissal, they found it easier to negotiate, to obtain conditional martial law and remain in power. Thus on 9 October 1901, martial law was extended to the Cape ports.

How far Kitchener thought extension would end the war is uncertain. Of itself, it hardly made any difference to the conduct of operations, which were helped more by

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<sup>182</sup> Hely-Hutchinson to Chamberlain, (tel.), 16 Sept 1901, CO 48/554/f.298; Chamberlain to Milner, 17 Sept 1901, WO 32/8119; to Brodrick, 17 Sept 1901, JC 11/8/54.

<sup>183</sup> Chamberlain to Hely-Hutchinson, (tel.), 19 Sept 1901, WO 32/8125.

<sup>184</sup> Hely-Hutchinson to Ministers, 19 Sept 1901, CO 48/554/ff.654-657.



successes in the field against the commandos of Lotter, Scheepers and Kritzinger, and the isolation of Smuts in Namaqualand. General Macready, however, who was responsible for martial law in Port Elizabeth, thought extension was beneficial; he later wrote that Boer recruits from America arrived frequently, mostly as cattlemen. Once ashore they joined an irregular unit and then deserted to the Boers with arms and ammunition. Under martial law, Macready wrote, this soon finished. According to him, a vital Boer supply line was cut.<sup>185</sup>

However, it is likely that Kitchener, faced with politicians who questioned his and his officers' actions, felt threatened by their intransigence, or at least, greatly hindered and demanded extension in order to stifle criticism. Moreover, considering his and his army's low opinion of the loyalists, perhaps it is not surprising that Kitchener sought to enhance army authority and weaken the influence of the Cape ministry, particularly after he had gone so far to enlist the help of the British government. Ironically, Kitchener utilised the same arguments against Sprigg and Innes, as he did against the British government's attempts to impose Milner's policy in South Africa.

On the surface, with the establishment on 14 October 1901 of a Martial Law Board to examine all complaints regarding the administration of martial law, civilian authority appeared to have achieved a degree of control over martial law procedure. Three members comprised the board: L.L.Michell, Chairman of the Standard Bank of South Africa, J.J.Graham and Major Fearon.<sup>186</sup> But Michell, who was also chairman of the board, told Hely-Hutchinson that while realising his role was to make commandants more circumspect, he would do nothing to undermine their authority and discretion. Consequently, the Board would distinguish between a 'substantial grievance and a mere inconvenience.' Nor would the Board challenge the right of the military to deport offenders from one district to another without charge:

because we recognise that there may exist reasonable grounds for suspicion although it may not consist with the public interest to formulate precise charges thereon.<sup>187</sup>

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<sup>185</sup> N. Macready, *Annals of an Active Life* (London, 1924), I, pp.118-120. Macready was later in command of martial law districts in Ireland, c.1920-1922.

<sup>186</sup> One was nominated by the Governor, the Prime Minister and the GOC Cape respectively. Captain Cockerill later replaced Fearon on the board.

<sup>187</sup> Michell to Hely-Hutchinson, 6 Nov 1901, CO 48/555/ff.290-292.

In fact, the military would be left very much to their own devices. There was nothing in the Board's brief that would alter fundamentally the administration of martial law. Even if complaints were made and upheld, the commandant would not be punished and could easily arrest the complainant on grounds of suspicion, knowing the Board would be unlikely to interfere. The only restraining mechanism in this process was if any commandant made a name for himself as a ruthless administrator and complaints about his conduct came regularly before the Board. The commandant might then find himself hauled up before his commanding officer. Other than that, the administration of martial law was left to continue as before.

### III

In May 1902, peace seemed likely as Boer delegates met at Vereeniging to decide their future. The provision of a new indemnity and confirmation act was the main problem facing the imperial authorities, especially as a political crisis was about to erupt in the Cape and the confirmation of sentences was one issue endangered by it. Sprigg's ministry had not been elected and was a minority government; moreover it had only faced Parliament for two or three months in 1900, in order to pass the first indemnity act, after which Parliament had been prorogued. Now, the imperial and military authorities had to secure the passage of an indemnity act for actions which had gained the enmity of both Sprigg's government and the Afrikaner Bond. Moreover, Milner wanted Parliament prorogued indefinitely because he felt Sprigg's government would not last long, and a Bond ministry would endanger his own plans by continually fermenting hatred in Cape Colony, and possibly in the old republics. This section therefore will examine both the theoretical and practical problems surrounding the need to obtain indemnifying legislation; and secondly, the crisis generated by Sprigg's political manoeuvring and his insistence on a local commission to examine the administration of martial law.

On 10 May 1902, the Colonial Office again sought the opinion of the Law Officers, this time on the specific issue of how to get confirmation of sentences passed under martial law.<sup>188</sup> The Law Officers reported on 30 May, the day before the Boers

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<sup>188</sup> CO to LO, 10 May 1902, WO 32/8141.

signed the peace treaty at Vereeniging. In answer to the first question, in which the Law Officers were asked whether there was any need for new legislation to confirm and legalise martial law proceedings, they replied in the affirmative. Interestingly, they stated that *bona fide* acts done under martial law during a state of war were lawful under common law; but without a new indemnity act they believed that individuals who administered martial law might be open to prosecution afterwards. This revealed the way opinion had moved since the beginning of the war regarding the necessity of an indemnity act as the natural conclusion to a proclamation of martial law. Moreover, the Law Officers again confirmed that martial law sentences would come to an end when martial law ceased, and so fresh legislation was required to confirm sentences as well. Many prisoners had been sent to other colonies and this raised problems as to which authority had to pass the required legislation. According to the Law Officers an act by the Imperial Parliament was the only method by which sentences could be confirmed under these circumstances. They were concerned that local legislation, that is in the holding colonies such as St. Helena, Ceylon, the Seychelles and Bermuda, would be unable to cover the period when the prisoners were on the high seas.

The Law Officers were also questioned on what needed to be done if martial law was maintained after the conclusion of peace. This might be necessary to cover the period when rebels were surrendering and perhaps returning home. The Colonial Office was anxious about the possibility of a conflict with the civil courts, if martial law was continued when its operation seemed unessential. To this question the Law Officers could offer little help and said vaguely that it could only be remedied by legislation. In their general observations they remarked that, overall, imperial legislation was best suited to cover all eventualities. They reminded the Colonial Office of the undesirability of prisoners being freed by writs of *habeas corpus* and the effect a civil action against Lord Kitchener and other officers responsible for administering martial law might have. As it was, the Colonial Office needed little reminding that the political troubles in Cape Colony made the passing of local legislation extremely problematic.<sup>189</sup>

The constitutional crisis in Cape Colony began to intrude on the final days of martial law. This had begun earlier in the year when Rhodes and Jameson organized a

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<sup>189</sup> LO to CO, 30 May 1902, WO 32/8141.

petition calling for the suspension of the Cape constitution. This was designed to prevent a meeting of the Cape Parliament and a general election based on the pre-war registers. Rhodes and his supporters believed that if Parliament reassembled, Sprigg's government would be defeated and a Bond ministry would win the subsequent election. When Rhodes died in March, Milner became the covert leader of this agitation. On 10 May the petition was presented to Hely-Hutchinson, after which Milner publicly endorsed the suspension movement when he allowed a letter of his to be published by the petition's organizers.<sup>190</sup>

By early June, the move to prevent the Cape Parliament reassembling on its pre-war basis was now at a crucial stage and was undermining the authority of the Sprigg ministry. Sprigg was doing his utmost to keep office and deprecated any interference by the imperial authorities, especially Milner. Milner was fearful that if the Cape Parliament reconvened, the Afrikaner interest would oust Sprigg's pro-British ministry and again form the government. If this happened the prospect of indemnity and confirmation acts being passed seemed remote. The British authorities feared that the Afrikaners would open the way for a host of civil actions against military personnel, possibly even against Kitchener himself; while martial law prisoners would be released without serving their full terms. The only possibility therefore was for an act to be passed in London which would override the Cape Parliament. Politically this was unattractive, as it might lead to difficulties with other self-governing colonies. Jealous of their own semi-independence, the self-governing dominions might view an imperial indemnity act as unwarranted interference into the internal affairs of a constitutional government. Either way, an imperial act was fraught with danger and had to be viewed as a last resort.

The Colonial Office thus turned their attention to ways of bypassing the necessity of obtaining an indemnity act from the Cape Parliament. Lambert and Cox managed to see the Attorney-General and put before him certain questions in order to gain his private opinion on the matter as a sort of guide. First they suggested the possibility of sending martial law prisoners to the Seychelles or Bermuda to make them serve their full sentence. The Attorney-General was not sanguine about this and doubted its legality; he said it could only be done by an act of either the Cape or Imperial Parliaments. He too

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<sup>190</sup> J. Amery, pp.103-114; Headlam, II, pp.413-426.

maintained that once martial law ended in Cape Colony, so did martial law sentences. Passing an act in the Seychelles or Bermuda was not permissible. However, he was aware of a recent ordinance in the Seychelles that allowed the detention of martial law prisoners, but it was not enough to detain them after the end of martial law.

Lambert and Cox also broached the subject of the constitutional crisis. The Attorney-General said that suspending the constitution would solve the dilemma facing the British authorities. If the Cape Parliament was unable to convene, the imperial authorities would have to pass the necessary legislation. On reading these comments, Just made a pertinent remark that suspension might not have the desired effect because it could lead to a conflict between the Cape Supreme Court and the executive authority. Having sown doubt in the minds of his fellow officials, it was thought best to consult the Law Officers once more, specifically on the issue of prisoners sentenced to penal servitude under martial law.<sup>191</sup>

The constitutional crisis was not the only problem facing the government in London. On 16 June 1902, Hely-Hutchinson informed Chamberlain that once order was fully restored in Cape Colony, an application would be made to the Supreme Court for the release of 200 rebels, convicted under martial law for murder and other offences. According to Hely-Hutchinson the Supreme Court was likely to grant them their release and he felt duty bound to remind Chamberlain of:

the grave results that are likely to ensue in the above and other matters in the event of the process of ordinary law being allowed full scope as soon as it can be said that all active disturbances have ceased.<sup>192</sup>

The Colonial Office responded immediately by informing the War Office of the situation and suggested moving prisoners to the ORC.<sup>193</sup>

On 24 June 1902, the Law Officers reported to the Colonial Office. Their views were based on those given during the unofficial meeting between the Attorney-General and the Colonial Office officials. They reported that removing martial law prisoners from the Cape to another colony would be indefensible: it would be attacked in Parliament and

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<sup>191</sup> CO Minutes, 6-7 June 1902, CO 417/357/ff.42-44.

<sup>192</sup> Hely-Hutchinson to Chamberlain, (tel.), 16 June 1902, CO 48/561/ff.561-562.

<sup>193</sup> CO to WO, 24 June 1902, CO 48/561/ff.563-565. Moving prisoners to the ORC appeared to be permissible, as they would be moved from one martial law district to another.

might be illegal, 'as not justified by the exigencies of martial law.' They did state that the Seychelles Ordinance might prevent prisoners from seeking to have their sentences terminated once martial law ceased in Cape Colony. If not, they suggested that legislation should be enacted either in Britain or Cape Colony.<sup>194</sup>

Something needed to be done, therefore, to avert a clash with the Supreme Court of Cape Colony, which could lead to grave political troubles in London. On 2 July 1902, Chamberlain announced his decision against suspension of the Cape constitution, after he had come to an arrangement with Sprigg, following the latter's visit to London for the Colonial Conference. Earlier, on 27 June, Chamberlain promised a royal commission to examine martial law sentences and to decide against suspension, in return for Sprigg confirming that the Cape legislature would pass an indemnity and confirmation act.<sup>195</sup> That day, Hely-Hutchinson also informed Sprigg's Cabinet that a suggestion had been made that as a dispute between the Supreme Court and the executive was impending, the announcement of a special commission 'to revise all unexpired sentences and report on them before local Parliaments are asked to confirm them by legislation,' might be a solution to the problem.<sup>196</sup> Ministers were quite enthusiastic about this, and although they suggested a couple of minor conditions, they were otherwise in favour.<sup>197</sup>

Apparently, this harmonised relations between all those concerned in the administration of martial law; the Cape government, the imperial authorities and the military. On 1 July 1902, Hely-Hutchinson was informed by the Cape Attorney-General that he thought that if an application was made for the release of martial law prisoners, then the Supreme Court would grant a '*rule nisi* at a long date', which meant the court would not reach a judgement until the Cape government had passed an indemnity and confirmation act. Meanwhile, the Attorney-General had assured the Court that this would be done as quickly as possible.<sup>198</sup>

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<sup>194</sup> LO Report, 24 June 1902, CO 417/357/ff.59-64.

<sup>195</sup> Sprigg to Chamberlain, 28 June 1902, JC 11/34/4.

<sup>196</sup> Hely-Hutchinson to Ministers, 27 June 1902, CO 48/562/f.180.

<sup>197</sup> Ministers to Hely-Hutchinson, 27 June 1902, *Ibid.*, f.181. The conditions were an enlargement of the scope of the commission and that a judge of the Supreme Court should sit on it. The agreement was signed by T Lynedoch Graham, the acting Prime Minister in Sprigg's absence.

<sup>198</sup> Hely-Hutchinson to Chamberlain, 1 July 1902, *Ibid.*, f.190.

The following week, Hely-Hutchinson was able to report that a clash with the Supreme Court had definitely been averted. Evidently, Hely-Hutchinson had advised General Settle, the GOC(Cape Colony), to return to the government the responsibility for keeping law and order. The Chief Justice then told the Attorney-General that there was now no likelihood of a dispute arising with the Supreme Court, and so it seemed the controversy over the administration of martial law was at an end.<sup>199</sup>

As part of his arrangement with Sprigg, Chamberlain had agreed to appoint a royal commission from Britain, to examine the cases of those serving sentences under martial law as an extra measure to instil confidence in the public: especially in Cape Colony. The commission, consisting of Lord Alverstone, Chief Justice of England, Mr. Justice Bingham, and General Ardagh, was appointed to look into current sentences only, after which the Governor would then decide to amend any in accordance with recommendations. The commission had no extra powers; its task was merely to review sentences.<sup>200</sup> Whilst the British authorities were anxiously awaiting the passing of the indemnity act, Sprigg promised, in Parliament, to appoint a local commission to examine all martial law sentences and enquire into the administration of martial law, which meant that some officers might be called upon to account for their actions. The scope of this commission was much wider than that sent from Britain and might involve the imperial authorities in a plethora of legal actions brought by disgruntled Afrikaners. Moreover, under Section 62 of the first Indemnity Act, it seemed the Cape government might have to appoint a local commission anyway.<sup>201</sup>

Chamberlain was furious with Sprigg but should not have been surprised. Sprigg, in his letter of 28 June, had practically demanded that the royal commission examine expired sentences as well as those still running.<sup>202</sup> Hely-Hutchinson told Chamberlain that the British had been prepared to appoint a local commission in October 1900, and that Lord Roberts had agreed to select a military officer to serve on it. Moreover, officers

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<sup>199</sup> Hely-Hutchinson to Chamberlain; Settle to Brodrick, (tels.), 8 & 9 July 1902, *Ibid.*, ff.450, 449.

<sup>200</sup> *Report of the Royal Commission Appointed to Inquire into Sentences Passed Under Martial Law*. PP(1902), LXIX, Cd.1364, pp.iv-v.

<sup>201</sup> Hely-Hutchinson to Chamberlain, (tel.), 23 July 1902, CO 48/563/f.350.

<sup>202</sup> Chamberlain to Hely-Hutchinson, (tels.), 4 & 19 Aug 1902, *Ibid.*, f.351; CO 48/564/f.21.

and soldiers could be compelled to attend a local commission because of the Indemnity and Special Tribunal Act of October 1900.<sup>203</sup> Apart from a possible statutory obligation, Sprigg's motives were somewhat suspect, and seemed to be a combination of pique and political survival. He was not daunted by threats from Chamberlain such as dismissal, or that his actions might lead to greater ill-feeling between the British army and the Afrikaners. At one time Sprigg told Hely-Hutchinson that he did not want a local commission, but Hely-Hutchinson realised that Sprigg was under pressure from the opposition and felt that Chamberlain's objections 'did not appear to weigh with him in comparison with his desire to conciliate the opposition.'<sup>204</sup> Hely-Hutchinson though was left in a difficult situation; he was not sure whether he ought to sign a proclamation authorising a local commission, even though he was obliged to under the constitution. He realised that some members on the government benches were only half-hearted in their opposition to the appointment of a local commission.<sup>205</sup>

As for the army, the new commander in South Africa, General Lyttelton, said he would forbid officers and men to attend any local commission and was supported by Settle and Milner.<sup>206</sup> However, Brodrick informed Lyttelton and Settle of the Cape government's statutory right to compel attendance; his suggested way out was that men and papers be removed from Cape jurisdiction.<sup>207</sup>

Lyttelton attempted to argue that as martial law was still in force no civilian court could interfere with a military one. He realised that Brodrick's suggestion was impractical, and said it would be impossible to remove all officers and men; even Settle would have to go. Furthermore, the Cape Attorney-General had copies of papers involving cases of conviction. Even so, Settle was in the process of sending as many men and documents out

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<sup>203</sup> Hely-Hutchinson to Chamberlain, (tel.), 13 Aug 1902, CO 48/563/ff.792-793. The Royal Commission would not have called officers and soldiers; its task was to examine the cases of those imprisoned.

<sup>204</sup> Hely-Hutchinson to Chamberlain, 5 & 17 Aug 1902, WO 32/8150; CO 48/564/ff.19-20.

<sup>205</sup> Hely-Hutchinson to Chamberlain, (tels.), 21, 22, 23, 27 August 1902, CO 48/564/ff.162, 176, 186, 347-348.

<sup>206</sup> Lyttelton to Brodrick, 31 Aug 1902; Brodrick to Lyttelton, 1 Sept 1902; Hely-Hutchinson to Chamberlain, (tels.), 3 Sept 1902, CO 48/564/ff.369, 527-528.

<sup>207</sup> Brodrick to Lyttelton, (tel.), 5 Sept 1902, WO 32/8143.



of the Colony.<sup>208</sup> Settle also explained to Brodrick that if the army reactivated martial law they risked a clash with the Supreme Court with all its attendant problems. Moreover, martial law would be repealed very soon, once the indemnity act was passed; the statutory power of a local commission, however, would still remain. Settle believed that Chapter 6, paragraphs 96-97, of the Manual of Military Law, allowed him to refuse to produce documents on the grounds of being detrimental to the public service. To this, Lord Alverstone had agreed.<sup>209</sup>

However, J.S. Ridley, the Legal Assistant at the Colonial Office said that if Hely-Hutchinson gave his assent to the appointment of a local commission, he would, in effect, be saying the Crown had agreed to it; Settle's view would then seem highly dubious. He concluded by saying that Settle's position would be 'morally and politically indefensible, and I can find no legal precedent for it.'<sup>210</sup>

British anxiety was such that Hely-Hutchinson proposed dismissing Sprigg and replacing him with Schreiner, whom, he believed, controlled a large section of the political middle-ground. He had now concluded that Sprigg was a puppet of the Afrikaner Bond, which in itself made Sprigg's dismissal a necessity - though not an urgent one.<sup>211</sup> Even so, the actual passage of the Indemnity Act was hardly noticed as the furore over the local commission continued. Sprigg had clearly won over the opposition by promising a Cape commission and on 15 September 1902, the Indemnity Act was passed.<sup>212</sup> The issue now souring civil-military relations centred firmly on whether the army could be made to account for its activities by the local authorities.

British anxiety was increased when an officer was asked to appear before a special committee of the Legislative Council; Brodrick told Settle to order officers to decline to give evidence because they did not have the relevant documents. Settle replied that this was not much good as they could call upon Lyttelton, who had the relevant documents:

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<sup>208</sup> Lyttelton to Brodrick, 7 Sept 1902, *Ibid.*

<sup>209</sup> Settle to Brodrick, 9 Sept 1902, *Ibid.* Hely-Hutchinson to Chamberlain, 10 Sept 1902, CO 48/565/f.16.

<sup>210</sup> CO Minutes, 11 Sept 1902, CO 48/565/f.11; CO to WO, 16 Sept 1902, WO 32/8151.

<sup>211</sup> Hely-Hutchinson to Chamberlain, 10 Sept 1902, CO 48/565/ff.112-113.

<sup>212</sup> Hely-Hutchinson to Chamberlain, 12 & 16 Sept 1902, *Ibid.*, f.118.

Settle decided to fall back on the 'detrimental to public service' excuse, in which both Hely-Hutchinson and Alverstone concurred.<sup>213</sup> When Hely-Hutchinson told Chamberlain that all copies of documents held by the Attorney-General could be used even if Brodrick refused to send the originals, Chamberlain realised the British authorities had lost this particular argument. Consequently, Chamberlain informed the War Office that there would be no legal objection to officers claiming that to give evidence would be prejudicial to the public interest: it was the only defence the army had.<sup>214</sup>

Just like the dispute over the extension of martial law, the row over the local commission petered out. On 14 November 1902, Parliament was prorogued without the local commission being appointed. Hely-Hutchinson reported that he had received no advice from ministers about its appointment and all seemed quiet.<sup>215</sup> Sprigg had undoubtedly used the local commission as a tactic to ensure his own political survival, especially as he might have pursued the matter further than he did, and insist army officers appear before a Cape commission. Whether he just cut his losses is not certain. Perhaps Sprigg felt he had done enough, having kept power and discomforted the imperial authorities at the same time; it was not worth pursuing an issue that might end his political career. It was an anti-climax to a heated and controversial disagreement between the imperial authorities and a self-governing colony, and left many problems unresolved.

#### IV

The administration of martial law in South Africa revealed all too clearly the confusion and uncertainty regarding its place in the British constitution and its use in self-governing colonies, particularly as the white dominions had begun to assert their own sense of national identity. Some aspects were apparently settled for the future by the South African debates; the indemnity act, for example, became an accepted feature of procedure. Reference to the Law Officers had also confirmed the need for complementary

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<sup>213</sup> Settle to Brodrick, (tels.), 25 & 29 Sept 1902; Brodrick to Settle, (tel.), 26 Sept 1902, WO 32/8143.

<sup>214</sup> Chamberlain to Hely-Hutchinson; Hely-Hutchinson to Chamberlain, (tels.) 10 & 11 Oct 1902, CO 48/564/f.738; CO 48/565/f.574. CO to WO, 4 Nov 1902, WO 32/8152.

<sup>215</sup> Hely-Hutchinson to Chamberlain, (tel.), 18 November 1902, CO 48/566/ff.638-641.

legislation to ensure martial law sentences did not lapse when martial law was abolished. Similarly, punishment of civilians was largely confined to terms of imprisonment or penal servitude, and the infliction of the death penalty was regarded as a last resort. The principal feature of these developments was that they were all decided not on military grounds but in response to the political situation in Cape Colony.

The few historians who have looked at the administration of martial law during the South African War, have left many issues unexplored.<sup>216</sup> In particular they have ignored the fact that only by heeding the interaction of local and imperial politics can the administration of martial law in South Africa be understood. The British government intervened directly on numerous occasions, and by constantly approaching the Law Officers for guidance helped shape the framework within which martial law was administered. For instance, the vital question of how to punish rebels meant the British government became involved in the supervision of martial law from the beginning. This was especially true during the first rebellion, when certain punishments were considered too problematical, such as the forfeiture of property. However, it was the British government which deemed the death penalty to be politically inexpedient and, as a consequence, ensured the army used executions sparingly, even when Cape Colony rose in revolt for a second time. Fortunately, Kitchener's political acumen meant that the use of the death penalty against rebels was kept to a minimum; only 33 rebels were executed out of over 500 cases brought before military courts.<sup>217</sup>

In order to ensure the cooperation and compliance of the Cape government at a crucial time, the British authorities were prepared to override military opinion. This happened in March 1900, when Wolseley and the JAG rejected the Cape government's assistance in trial procedures. In 1901, the imperial authorities had to conduct a delicate balancing act to ensure that the army felt confident administering martial law, while at the same time ensuring Sprigg's government was not unduly antagonised by military actions. Hence the British government's intervention during the extension crisis of August to November 1901, to persuade Sprigg to extend martial law to the ports and to prevent the military from inflaming an already tense situation. The British government achieved both

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<sup>216</sup> Townshend, Galbraith, and Le May.

<sup>217</sup> Cd.981, pp.125-130.

aims. No historian has linked this episode with the decisions taken after the Milner-Cabinet talks in June 1901. The British government intervened primarily to safeguard Milner's policy by ensuring Kitchener was not hampered in his task of clearing Cape Colony.

The British government, whilst determined to restrain the military, also had to guarantee officers were indemnified for deeds done under martial law, which at the time had been considered necessary. Rather than lose the confidence of the soldiers, the British government had to pass an indemnity act; political considerations ultimately determined that the act was passed in the Cape rather than in London. The British authorities had no choice but to stand by their officers and, as a result, military administration of martial law was not investigated, nor arbitrary practices questioned by the imperial government. The indemnity act, therefore, became the sole form of protection against both possible litigious revenge by those who had suffered under martial law, and any challenges by the local government. Even if the local legislature passed an indemnity act, a Colonial government exercising its right to establish a local commission of inquiry into martial law administration could easily embarrass the imperial authorities - both imperial and military. Thankfully for the British, no such commission sat in Cape Colony and the ramifications of such an action were never felt.

Nothing was done to clarify martial law procedure any further after the war. Ardagh hoped to work with the respected constitutional expert Professor Holland, but died before any work of note was produced. Holland's own volume eventually dealt with International Military Law, rather than British martial law which was left in abeyance.<sup>218</sup> The military and colonial departments proved reluctant to examine the subject themselves; events in South Africa were considered too sensitive and likely to open old wounds. The matter was not broached again until the outbreak of the troubles in Ireland, but the civilian authorities were averse to acknowledge the conclusions drawn from the South African experience. They could not face the fact that in order to defeat rebellion by declaring martial law it was necessary to hand over all authority to the military. After Ireland, martial law was never used again by the British, who preferred to rely on Emergency

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<sup>218</sup> T.E. Holland, *The Laws of War on Land (Written and Unwritten)* (Oxford, 1908), pp.14-17.

Powers Acts instead. The prospect of handing over power to the army proved too much to contemplate.

## CONCLUSION.

Until now, little work has been done on British civil-military relations during an imperial conflict. Works dealing with nineteenth-century British civil-military relations have focused on the disputes arising from the administration and reform of the army. Moreover, historians have preferred to study the First and Second World Wars for examples of civil-military relations under wartime conditions. The primary aim of this thesis, therefore, has been to emphasise the importance of the South African conflict as a valuable case-study in civil-military relations both during the late nineteenth-century and under the stress of war.

Britain's imperial wars were usually small-scale affairs, requiring the presence of few troops to deal with a minimal threat to the Empire's frontiers. Moreover, because of primitive communications and the nature of the terrain, generals often acted without consulting their civilian superiors.<sup>1</sup> In short, these conflicts have rarely provided ideal material for a study of civil-military relations.

The South African War, in contrast, does provide suitable material. The scale of the war was immense; it was fought over a vast area, with over 500,000 British soldiers, against an enemy who posed a direct threat to the security of the Empire. Moreover, owing to better communications it afforded the political authorities - both imperial and local - the opportunity to influence military operations on a scale hitherto unknown. Consequently, this thesis has attempted to answer the controversial question of control: how far were the political authorities determined to extend their constitutional supremacy into areas which the generals considered their own; and how far were soldiers willing to resist such interference or extend their own influence. Overall, the conclusion drawn by this thesis is that by 1902 the generals had managed to frustrate undue political hindrance and increase their own influence and authority over events in South Africa. Essentially, the thesis has argued that the army played a far greater role in shaping British attitudes and decisions during the war, and influenced the settlement to a far greater extent than has previously been acknowledged.

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<sup>1</sup> B. Bond (ed.), *Victorian Military Campaigns* (London, 1967), pp.19-20.

## II

Britain's parliamentary system provided the framework within which civil-military relations operated. The civil-military balance firmly favoured the politicians, as Britain's generals, unlike many of their European counterparts, acknowledged the supremacy of their political superiors.<sup>2</sup> However, British civil-military relations were rarely harmonious owing to the disputes over army administration and reform, and these antagonisms carried over into the formulation of policy against the Boer republics.

The measures designed to deal with Boer intransigence during the period 1895-1899 reflected the priorities of the government and ultimately political dominance of civil-military relations. Although the government constantly consulted their military advisers as Anglo-Boer relations deteriorated, ministers usually modified advice to suit political requirements. During the 1897 crisis, for instance, the government adapted military advice to suit the vagaries of foreign and British public opinion. The military failed to appreciate that the government had to consider the political implications of the advice offered: public opinion, financial costs, and electoral survival determined how the government would react to a particular crisis. Consequently, there was no real consensus between politicians and generals. Final decisions regarding the military support of political demands were usually compromises which displeased the generals even though they appeared to work.

The need to appease public opinion and a Gladstonian attitude towards costs ensured the government used the same methods to deal with Boer intransigence during the final crisis in 1899. Despite constant demands by the soldiers for the mobilization of a strong force, the government prevaricated until the last moment which had a detrimental effect on the military situation in South Africa. Until then, the government had controlled its relations with the generals: it had accepted military advice when compatible with political interests, and had not allowed the military either to assert undue influence, or to pressurise ministers into hasty decisions. However, with the outbreak of war and a succession of defeats arising from British military weakness in South Africa, government control of the generals began to slip.

British imperialism had greatly popularised the army and its successful generals,

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<sup>2</sup> Spiers, *Late Victorian Army*, pp.155, 175.

and practically immunised the military from criticism; for example, G.W. Steevens wrote that the officer who ordered the charge of the 21st Lancers at Omdurman could not be punished because 'the populace had glorified the charge of the 21st for its indisputable heroism.'<sup>3</sup> This fervour undermined the government's ability to control the generals. The army was considered the victim of ministerial irresponsibility and procrastination during the pre-war crises, and political interference was blamed for General White's defeats in Natal. Although the government had tried to cultivate public opinion, it was not enough to absolve ministers from blame. The formulation of policy was the responsibility of government and that policy had failed. A nation accustomed to victory could not contemplate the fallibility of its military heroes, such as Wolseley, Buller and White. Instead, public opinion preferred to blame the politicians: as Spenser Wilkinson noted, 'Ministers have a higher duty than that to their party...A change of ministry would be an inconvenience, but no more.'<sup>4</sup>

Domestically, the Unionist government had not been a great success before 1899. The conquest of the Boer republics in 1900 helped redeem its reputation, and enabled the government to win the general election that year, but it was only one of several factors contributing to the government's electoral success.<sup>5</sup> Yet, even this success failed to revive an almost moribund ministry. The strain caused by the war, by events elsewhere in the world, and by domestic difficulties drained the government. Contemporaries noted how the war had exhausted leading ministers: Gibson Bowles, a prominent backbencher noted, 'Souls, Cecils,...are alike found wanting and there has arisen the most profound exasperation with the Ministry, which, when so well provided, has done so ill.' Churchill realised, 'The Government is not very strong...The whole Treasury bench appears to me to be sleepy and exhausted and played out.'<sup>6</sup>

The government's appointment of Roberts was a last ditch measure by a ministry

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<sup>3</sup> T. Royle, *War Report. The Correspondents' view of battle from the Crimea to the Falklands* (Mainstream Publishing, 1987), p.56.

<sup>4</sup> Wilkinson, *Lessons*, p.32.

<sup>5</sup> M. Bentley, *The Climax of Liberal Politics* (London, 1987), p.107; Price, pp.98-132; Blanch, in Warwick (ed.), pp.222-225.

<sup>6</sup> Cit. J.P. Cornford, 'The Parliamentary Foundations of the Hotel Cecil,' in R. Robson (ed.), *Ideas and Institutions of Victorian Britain. Essays in Honour of George Kitson Clark* (London, 1967), p.308; R. Churchill, *Winston S. Churchill*, (London, 1967), II, pp.22-23.



which had lost the confidence of the public and many of its own supporters. Ministers had performed badly as war leaders and needed Roberts to restore some faith in their ability. Consequently, Roberts was given *carte blanche* to correct the military situation. Only after he had conquered the Boer republics did the government feel confident enough to try and reassert its views and priorities.

However, the government could never insist the generals take note of their demands. In dealing with Roberts ministers were inhibited by public opinion and, in Lansdowne's case, by too much personal regard.<sup>7</sup> The government could not afford to become involved in a public dispute with Roberts over policy in South Africa. Consequently, ministerial calls for the reduction of troop numbers and costs were hints and suggestions rather than direct orders. The government had to be circumspect in dealing with Roberts and had to gently cajole 'the greatest hero since Wellington.' By promoting Roberts to C-in-C in Britain, the government felt able to start afresh with his successor, Kitchener.

Kitchener's appointment, however, marked the nadir of political control. This is not to say that the government meekly surrendered their authority. Kitchener had to fight hard to maintain his influence in order to fight the war his way. As his strategy relied on attrition to defeat the Boer commandos, Kitchener was dependent on large numbers of troops which kept costs high. In early 1901, outright victory seemed remote and progress was slow. Nevertheless, despite the prolonged guerilla war, the government remained fearful of public censure if it tried to interfere in Kitchener's management of the conflict. The main problem facing the government was that it had no alternative policy to offer. Instead, ministers were eventually forced to rely on Milner's scheme which promised large-scale reductions in costs and troop numbers.

Even so, Kitchener was able to thwart the implementation of Milner's scheme through a combination of sound military advice and the knowledge that the government had no other prominent general to replace him. Kitchener also had powerful support from Roberts, especially after the latter had clashed with Brodrick over army reform and discipline. Moreover, disputes between the service ministers and Hicks Beach weakened

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<sup>7</sup> Chamberlain remarked, '...while thoroughly agreeing with Lansdowne's principle of leaving the Generals a free hand, I always thought he might have asked a few more questions and occasionally have submitted his own views for consideration. No good official would ever complain or be discouraged by this.' Chamberlain to Brodrick, 26 Dec 1900, JC 16/4/2.

the government's position still further. It was left to Lord Salisbury to acknowledge explicitly that the government was tied to Kitchener and was in no position to sack him, as Milner wanted. There was no guarantee that either a new general or different policy would end the war any faster. The government realised that Milner's policy, designed to protect occupied areas behind a screen of defences and mounted patrols, and to ignore the Boer commandos outside those screens until they accepted unconditional surrender, meant the war might continue indefinitely. Conversely, Kitchener's policy of attrition, followed by negotiations and lenient terms once the Boers had surrendered, offered the best hope of a rapid end to the war. By late 1901, the government preferred Kitchener's advice rather than that offered by Milner.

Relations between the British government and its generals throughout the period 1895-1902 reveal that a parliamentary government must rely on several factors when dealing with the military. First, it must have a system of consultation designed to harmonise the often conflicting priorities of politicians and generals. Secondly, it must have the support of public opinion whatever happens on the battlefield. Thirdly, it must have a sound scheme of its own when it is dissatisfied with the present conduct of operations. Unfortunately for the British government it was unable to rely on these factors sufficiently to ensure it exercised complete control over the generals. Consequently, ministers were more dependent on the advice and opinions of those officers who dominated events in South Africa. Perhaps Lord Esher was correct when he wrote: 'In the long run, luck in War is on the side of statesmen, who by precedence and forethought bend it to their will.'<sup>8</sup>

### III

For Milner it was essential from the beginning that the military should comply with political demands. Between 1898-1902, Milner dealt with three leading generals and quarrelled with each. General Butler held views directly opposed to Milner's. He and Milner clashed on an ideological level as much as they differed on the practical approach to the South African crisis. However, Milner discovered that unless he had the complete

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<sup>8</sup> Cit. Hamer, p.174.

backing of the British government there was little he could do to prevent Butler's criticism. However, one consolation for Milner was that Butler was his subordinate, and had to follow the High Commissioner's lead.

This was not the case after the outbreak of war. In his dealings with Roberts, Milner was unable to assert his authority, to ensure the military conducted operations which suited his own fears and aspirations. He was censured for expressing concern over the defenceless state of Cape Colony in 1900; and was frustrated by Roberts's reluctance to get the Uitlander refugees moved back to the Rand. The clash between Milner and Roberts was over priorities and whose should take preference. Roberts's needs were short-term and designed to help the immediate necessities of his army. Milner took the long-term view believing his priorities were essential for the future well-being of South Africa. Unfortunately for Milner, because of the continuation of the guerilla war, Roberts's requirements were deemed to be paramount.

Kitchener's appointment ended Milner's attempts to use the war as a means of reconstructing South Africa according to his own principles. Kitchener was able to resist two attempts to undermine his authority, both initiated by Milner. The first was an attempt to make Kitchener redirect his strategy to suit political requirements. Milner convinced the British government that the guerilla war was not 'proper' warfare: it was banditry and did not require the services of high-ranking generals and large numbers of troops. Milner's strategy meant that military operations might be scaled down to permit the resumption of civilian life in the occupied areas. However, Kitchener's assertion that Cape Colony had to be cleared of guerillas first was virtually unarguable, particularly as Milner agreed this should be done. Kitchener was able, therefore, to carry on fighting the war much as before without altering either his strategy or methods. Consequently, Milner's second attempt centred on his demand for Kitchener's dismissal and replacement by a more pliable general. Forced to choose between the two, the government opted for Kitchener and confirmed that he was indispensable. The war required winning and the government preferred to accept the advice and experience of the military expert. To change the management of the war at this late stage offered too many uncertainties and not enough hope. By 1902, Kitchener's position was secure; the British government, exhausted by internal rivalries and problems elsewhere was in no condition to back Milner and incur the odium of dismissing Kitchener.

In 1901, Milner had gained the support of the British government by offering an alternative strategy to Kitchener's relentless, and apparently fruitless, pursuit of the Boer commandos. However, Kitchener and other officers began to offer another policy of their own. This was tied into ideas about a peace settlement then beginning to circulate. The alternative offered by the military was that to conclude peace, the British authorities would have to negotiate with the Boers and drop the idea of 'unconditional surrender.' The Botha talks revealed that Kitchener and Milner differed over the place of the Boer leadership in a future South Africa. Kitchener favoured negotiations and believed that a lasting agreement could only be achieved by including the Boer generals in the peace process. In this, Kitchener was supported by various elements in the army. The desire to negotiate with the Boers arose from several factors. One derived from a soldierly admiration for an honourable foe, another from the view that the Boers should not be ruled by Jewish mine-owners in Johannesburg, with whom Milner was far too friendly.

These views say much about the social origins and values of the professional soldier. There was a strong connection between officers and landed society in Britain, which tended to create a general attitude antipathetic towards capitalists and businessmen.<sup>9</sup> Army officers did not care either for the political leadership of Johannesburg or its society which comprised many wealthy capitalists of dubious social origins. In contrast, all the Boers appeared to have connections with the land, and represented a society with which many officers empathised. In 1902, General Hamilton made himself the mouthpiece of Kitchener's staff and nurtured the view that the British should negotiate with the Boers, to preserve an anti-Johannesburg section in the future South Africa.

Thus the army offered the British government the chance of an early and lasting conclusion to the war, not the speculative ideas propagated by Milner, who felt the war would peter out sometime in the future and that negotiations were unnecessary. As the British government needed a feasible scheme to ensure peace, ministers inclined towards Kitchener's view and eventually accepted his solution. During the talks Milner remained isolated and defensive, and tried desperately to salvage something from the negotiations.

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<sup>9</sup> That is not to say the landed gentry refrained from capitalistic enterprises, although '...no member of the aristocracy would have cared to be classed as a businessman.' F.M.L. Thompson, *The Rise of Respectable Society* (London, 1988), p.153.

Several historians have tended to dismiss the importance of the war and the eventual peace settlement in explaining the 'failure of Milnerism.'<sup>10</sup> However, this thesis has argued that Milner failed after the war because he was unable to obtain certain advantages during it. One of the most important was the exclusion of the Boer generals from the political leadership of the Boer people. Milner's relations with the generals were based on the prospect of the military providing a 'clean slate' for the reshaping of both South Africa and the Boer leadership. The first step for Milner had been to get the mines working again; the second step was the establishment of a para-military force designed to protect those willing to surrender to the British. Hence his clashes with Roberts over the refugees and the SAC. The third step was the isolation of the Boer generals as the new South Africa was created behind the SAC's protective screen. Kitchener's failure to provide this screen and his advocation of talks with the Boer leadership undermined this third, and most important step. Milner had even backed Kitchener's attempts to have the Boer leadership banished, but this revealed the underlying differences between Kitchener's and Milner's views. Kitchener believed the threat of banishment would induce the Boers to surrender; once achieved he then expected to negotiate terms;<sup>11</sup> Milner wanted actual banishment and only decided the idea was a dead-letter in May 1902, at the conclusion of the peace talks.<sup>12</sup> The acknowledgment of the Boer generals as political leaders, which was implicit in the Treaty of Vereeniging, was the one thing Milner had fought hard to prevent throughout the war. The very fact that Botha and his colleagues had preserved their reputations and negotiated as leaders meant that in future their positions as rallying-points for an anti-Milner opposition was assured. For this, the Boers had Kitchener and the army to thank.

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<sup>10</sup> Le May sees the 'failure of Milnerism' coming after the treaty, see Chapter 7; Pakenham argues that as Milner prevented a date for self-government he had prevented a disastrous peace, p.570; Denoon is more explicit: 'We may confidently exclude the peace negotiations...as having any major bearing upon the failure of [post-war] imperial policy.' p.230.

<sup>11</sup> Kitchener promised minor leaders they would not be banished if they surrendered, Kitchener to Brodrick, 20 Dec 1901, KP 22/Y113(b).

<sup>12</sup> Denoon attributes Milner's abandonment of banishment to the idea that he wanted to secure the future peace of South Africa. This makes it seem that Milner was advocating leniency during the negotiations. Milner announced his 'conversion' on 27 May 1902, which seems rather late in the day to be thinking of future peace. Milner's advocacy was merely a face-saving formula and acknowledged that he had lost the struggle against the Boer generals. Leniency had nothing to do with it. Milner to Chamberlain, 27 May 1902, Headlam, II, p.358; Denoon, p.59.

#### IV

The introduction of martial law undermined the Cape government's ability to resist the encroachment of military authority. The uncertain position of martial law in the British constitution, coupled with the need to defeat widespread rebellion, ensured the army were given extraordinary powers, and the right of politicians to criticise military conduct was severely curtailed.

Relations between the Cape government and the military were often antagonistic. Both Cape governments - Schreiner's and Sprigg's - complained bitterly about the loss of authority to the military, and about the army's treatment of civilians. Despite repeated attempts to assert their right to question the army's activities the Cape authorities could do little to change the administration of martial law. To the army, the obstructionism of local politicians undermined efforts to contain and prevent rebellion. Yet despite the continual rows between the Cape authorities and the army, neither Roberts nor Kitchener called for the dismissal of the Cape government. The military never made an issue of this, and demonstrated the constitutionalism of Britain's officers. Instead, the generals relied on the mediation of the British government, and imperial intervention is crucial to our understanding of martial law administration.

It was the British authorities, in association with the Law Officers, who enabled the local government and the military to work together in some degree of harmony. Imperial intervention was vital in preventing the wholesale resignation of both Schreiner's and Sprigg's ministries. However, the British government realised that to win the war the army had to be accommodated; this sometimes forced London to take sides, particularly during the extension crisis of late 1901. At a time when the British government was desperate for some change in fortune in South Africa, the clearance of Cape Colony became a crucial issue. Having adopted Milner's scheme as a panacea to end the war, the defeat of the rebellion was a vital prelude before its implementation. Sprigg's refusal to extend martial law, which the military demanded as a preliminary to their operations, taxed the patience of Chamberlain and other ministers. Imperial intervention eventually helped secure what the army wanted: the extension of martial law to the Cape ports.

The war in South Africa completely changed ideas about the administration of martial law by imperial forces throughout a self-governing colony. Imperial authority was

unable to override completely the views of local politicians. Dominion sensitivity prevented the imperial government from ordering Cape politicians to obey the demands of the army. With the help of the Law Officers, however, over the punishment of rebels for example, the British government kept the army's administration of martial law within some degree of constitutional propriety. However, the problems with securing a local indemnity act for the military revealed that imperial authority could no longer be taken for granted, and that local government would not tolerate slights to its constitutional powers. The war in fact changed imperial perceptions of martial law. It was no longer considered a ready weapon to use against rebellion; military power had been so extensive and caused so many problems that after the war the British authorities preferred to ignore the subject altogether. Although forced to use martial law in Ireland, the British government refused to impose it throughout the country but confined to a specific area, so as not to antagonise the whole population. Those specialists who did examine the issue, notably the British General Staff in 1914, preferred to confine to their colonial setting any precedents arising from the administration of martial law. However, a modern assessment has concluded that the South African conflict remains one of the main areas providing case-law for an appreciation of the doctrine of martial law in Britain.<sup>13</sup>

The clash between the civil and military authorities over control in war is a constitutional problem most British governments have faced. It was not a new phenomenon encountered by politicians and generals in the First World War. The South African War caused serious problems between the civil and military authorities which anticipated those of 1914-1918. In South Africa, military influence over the course of the war was enhanced by the failure of the politicians to assert their authority. That is not to say that certain generals deliberately sought to strengthen their own power over the politicians. The enhancement of military authority and prestige during the South African war emanated from several factors, one of which was a defensive reaction to what the generals considered as undue political interference. The generals sought to preserve their professional authority and reputations, and were helped by the effects of imperialism, nationalism and the late-nineteenth century 'cult' of the military expert which produced

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<sup>13</sup> Memo. by General Staff, c.May 1914, CAB 16/31/EP2; E. Wade & A.W. Bradley, *Constitutional and Administrative Law* (10th Edition, London, 1985), pp.552.

a climate of opinion too ready to accept military expertise in war, rather than the opinions of civilian amateurs. The idea that war was too important to be left to the generals had not yet developed. Those officers still in command at the end of the war benefitted from the enhancement of military authority and prestige. Officers such as Haig, French and Rawlinson all reached the pinnacle of their profession. For Kitchener, however, perhaps the highest accolade awaited him. Such was his reputation and image of power and authority that in 1914 he became Secretary of State for War, the first serving soldier to sit in the Cabinet since 1660.<sup>14</sup>

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<sup>14</sup> Howard, (ed.), pp.19-21; Magnus, p.332.



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